

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969
93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Offered April 11, 2006.

Senate Substitute adopted, April 12, 2006.

Taken up for Perfection April 12, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4853S.07P

AN ACT

To repeal sections 226.030, 301.010, 301.055, 301.057, 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 301.440, 301.560, 301.716, 302.545, 302.700, 302.755, 302.775, 304.070, 304.155, 304.170, 304.180, 304.230, 304.281, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 430.082, and 556.021, RSMo, and to enact in lieu thereof forty-seven new sections relating to the regulation of motor vehicles, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 226.030, 301.010, 301.055, 301.057, 301.058, 301.070, 2 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 301.440, 301.560, 3 301.716, 302.545, 302.700, 302.755, 302.775, 304.070, 304.155, 304.170, 304.180, 4 304.230, 304.281, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 5 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 430.082, 6 and 556.021, RSMo, are repealed and forty-seven new sections enacted in lieu 7 thereof, to be known as sections 226.030, 227.102, 301.010, 301.055, 301.057, 8 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 9 301.440, 301.560, 301.716, 301.2998, 302.545, 302.700, 302.755, 302.775, 304.070, 10 304.155, 304.170, 304.180, 304.230, 304.232, 304.281, 307.010, 307.015, 307.090, 11 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

12 307.390, 307.400, 311.326, 430.082, 488.006, and 556.021, to read as follows:

226.030. 1. The highways and transportation commission shall consist of
2 six members, who shall be appointed by the governor, by and with the advice and
3 consent of the senate, not more than three thereof to be members of the same
4 political party. Each commissioner shall be a taxpayer and resident of state for
5 at least five years prior to his appointment. Any commissioner may be removed
6 by the governor if fully satisfied of his inefficiency, neglect of duty, or misconduct
7 in office. Commissioners appointed pursuant to this section shall be appointed
8 for terms of six years, except as otherwise provided in this subsection. Upon the
9 expiration of each of the foregoing terms of these commissioners a successor shall
10 be appointed for a term of six years or until his successor is appointed and
11 qualified which term of six years shall thereafter be the length of term of each
12 member of the commission unless removed as above provided. The members of
13 the commission shall receive as compensation for their services twenty-five
14 dollars per day for the time spent in the performance of their official duties, and
15 also their necessary traveling and other expenses incurred while actually engaged
16 in the discharge of their official duties. Members whose terms otherwise expire
17 December 1, 2003, shall serve with terms expiring March 1, 2004, and new
18 members or the members reappointed shall be appointed for terms expiring
19 March 1, 2005; a member whose term otherwise expires December 1, 2005, shall
20 serve with a term expiring March 1, 2007; a member whose term otherwise
21 expires December 1, 2007, shall serve with a term expiring March 1, 2009; and
22 one member whose term otherwise expires October 13, 2007, shall serve with a
23 term expiring March 1, 2007; and one member whose term otherwise expires
24 October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy
25 occurs in any term of a commissioner due to death, resignation, or removal, a
26 successor shall be appointed for only the remainder of the unexpired term.

27 2. The two members of the commission, one each from opposing political
28 parties, who have the most seniority in commission service shall serve as
29 commission leadership with one member as chair and the other member as vice
30 chair, respectively, for terms ending March 1, 2005. The commission shall elect
31 one of the members as chair and the other as vice chair. Effective March 1, 2005,
32 the commission shall elect the two members of the commission, one from each
33 opposing political party who has the most seniority in commission service, who
34 shall serve as commission leadership with one member as chair and the other
35 member as vice chair, respectively, for one year. At the end of such year, the

36 member currently serving as chair shall then serve as vice chair, and the member
37 currently serving as vice chair shall serve as chair, each to serve in such position
38 for one year. Thereafter, commission leadership shall continue to rotate
39 accordingly with the two members from opposing political parties who have the
40 most seniority in terms of commission service being elected by the commission to
41 serve as commission leadership. If one of the commission leadership offices
42 becomes vacant due to death, resignation, removal, or refuses to serve before the
43 one-year leadership term expires, the commission shall elect one of its members
44 that is of the same political party as the vacating officer to serve the remainder
45 of the vacating officer's leadership term. Such election shall not prohibit that
46 member from later serving as chair and vice chair when such member's seniority
47 in commission service qualifies him or her for those offices as provided in this
48 subsection.

49 3. No more than one-half of the members of the commission shall be of the
50 same political party. The selection and removal of all employees of the
51 department of transportation shall be without regard to political affiliation.

52 4. The present members of the commission shall continue to serve as
53 members of the commission for the remainder of the terms for which they were
54 appointed, except as provided in subsection 1 of this section.

55 5. [The director of the department of transportation shall, by February
56 fifteenth of each year, present an annual state of the state of transportation to a
57 joint session of the general assembly. The six members of the commission shall
58 be present and available at such presentations for questions by members. The
59 transportation inspector general may also be present and report to the general
60 assembly on any matter of concern within his or her statutory authority. The
61 provisions of this subsection shall expire August 28, 2008.

62 6.] Any member reappointed shall only be eligible to serve as chair or
63 vice-chair during the final two years of such member's reappointment.

**227.102. 1. Notwithstanding any other provision of law to the
2 contrary, the commission is authorized to receive bids and bid bonds
3 for any contract for construction, maintenance, repair, or improvement
4 of any bridge or highway on the state highway system electronically via
5 the Internet. Such electronically submitted bids and bid bonds shall
6 contain digital signatures and seals, and all other required bid
7 information and certifications, in accordance with commission
8 administrative rules, sections 432.200 to 432.295, RSMo, and with any**

9 applicable federal competitive bidding requirements. At its discretion,
10 the commission may elect to receive both electronic and paper bids, or
11 the commission may specify electronic bidding exclusively for any
12 proposed contract.

13 2. Any electronic bidding program or service implemented by the
14 commission and the electronic bid and bid bond vendor shall meet the
15 following criteria, at a minimum:

16 (1) Each bidder must be able to transmit an electronic bid and
17 bid bond securely and confidentially through bid encryption or other
18 protection measures;

19 (2) Each bidder must receive prompt confirmation of the timely
20 electronic filing of the bidder's bid and bid bond;

21 (3) Each bidder must be able to withdraw or replace the bidder's
22 filed electronic bid and bid bond prior to the time bids are opened;

23 (4) Each bid filed electronically must be inaccessible or
24 unreadable to all others except for the bidder prior to the time bids are
25 opened;

26 (5) The portal for filing bids must have a mechanism to block any
27 additional bids or modifications to bids when bids are scheduled to be
28 opened; and

29 (6) Commission representatives and officials of the department
30 of transportation must have full and immediate access to the bids and
31 bid bonds at the time bids are designated to be opened, but not prior
32 to that time.

33 3. The commission is authorized to promulgate administrative
34 rules to administer the provisions in this section. Any rule or portion
35 of a rule, as that term is defined in section 536.010, RSMo, that is
36 created under the authority delegated in this section shall become
37 effective only if it complies with and is subject to all of the provisions
38 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
39 section and chapter 536, RSMo, are nonseverable and if any of the
40 powers vested with the general assembly pursuant to chapter 536,
41 RSMo, to review, to delay the effective date, or to disapprove and annul
42 a rule are subsequently held unconstitutional, then the grant of
43 rulemaking authority and any rule proposed or adopted after August
44 28, 2006, shall be invalid and void.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120

2 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms
3 mean:

4 (1) "All-terrain vehicle", any motorized vehicle manufactured and used
5 exclusively for off-highway use which is fifty inches or less in width, with an
6 unladen dry weight of one thousand pounds or less, traveling on three, four or
7 more low pressure tires, with a seat designed to be straddled by the operator, or
8 with a seat designed to carry more than one person, and handlebars for steering
9 control;

10 (2) "Automobile transporter", any vehicle combination designed and used
11 specifically for the transport of assembled motor vehicles;

12 (3) "Axle load", the total load transmitted to the road by all wheels whose
13 centers are included between two parallel transverse vertical planes forty inches
14 apart, extending across the full width of the vehicle;

15 (4) "Boat transporter", any vehicle combination designed and used
16 specifically to transport assembled boats and boat hulls;

17 (5) "Body shop", a business that repairs physical damage on motor
18 vehicles that are not owned by the shop or its officers or employees by mending,
19 straightening, replacing body parts, or painting;

20 (6) "Bus", a motor vehicle primarily for the transportation of a driver and
21 eight or more passengers but not including shuttle buses;

22 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used
23 for carrying freight and merchandise, or more than eight passengers but not
24 including vanpools or shuttle buses;

25 (8) "Cotton trailer", a trailer designed and used exclusively for
26 transporting cotton at speeds less than forty miles per hour from field to field or
27 from field to market and return;

28 (9) "Dealer", any person, firm, corporation, association, agent or subagent
29 engaged in the sale or exchange of new, used or reconstructed motor vehicles or
30 trailers;

31 (10) "Director" or "director of revenue", the director of the department of
32 revenue;

33 (11) "Driveaway operation":

34 (a) The movement of a motor vehicle or trailer by any person or motor
35 carrier other than a dealer over any public highway, under its own power singly,
36 or in a fixed combination of two or more vehicles, for the purpose of delivery for
37 sale or for delivery either before or after sale;

38 (b) The movement of any vehicle or vehicles, not owned by the transporter,
39 constituting the commodity being transported, by a person engaged in the
40 business of furnishing drivers and operators for the purpose of transporting
41 vehicles in transit from one place to another by the driveaway or towaway
42 methods; or

43 (c) The movement of a motor vehicle by any person who is lawfully
44 engaged in the business of transporting or delivering vehicles that are not the
45 person's own and vehicles of a type otherwise required to be registered, by the
46 driveaway or towaway methods, from a point of manufacture, assembly or
47 distribution or from the owner of the vehicles to a dealer or sales agent of a
48 manufacturer or to any consignee designated by the shipper or consignor;

49 (12) "Dromedary", a box, deck, or plate mounted behind the cab and
50 forward of the fifth wheel on the frame of the power unit of a truck
51 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
52 carry part of a load when operating independently or in a combination with a
53 semitrailer;

54 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

55 (14) "Fleet", any group of ten or more motor vehicles owned by the same
56 owner;

57 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

58 (16) "Fullmount", a vehicle mounted completely on the frame of either the
59 first or last vehicle in a saddlemount combination;

60 (17) "Gross weight", the weight of vehicle and/or vehicle combination
61 without load, plus the weight of any load thereon;

62 (18) "Hail-damaged vehicle", any vehicle, the body of which has become
63 dented as the result of the impact of hail;

64 (19) "Highway", any public thoroughfare for vehicles, including state
65 roads, county roads and public streets, avenues, boulevards, parkways or alleys
66 in any municipality;

67 (20) "Improved highway", a highway which has been paved with gravel,
68 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall
69 have a hard, smooth surface;

70 (21) "Intersecting highway", any highway which joins another, whether
71 or not it crosses the same;

72 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon
73 the highways and has no resale value except as a source of parts or scrap, and

74 shall not be titled or registered;

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or
77 replica purchased from an authorized manufacturer and accompanied by a
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles
82 from its home base of operations when transporting its owner's machinery,
83 equipment, or auxiliary supplies to or from projects involving soil and water
84 conservation, or to and from equipment dealers' maintenance facilities for
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its
87 home base of operations when transporting its owner's machinery, equipment, or
88 auxiliary supplies to or from projects not involving soil and water conservation.
89 Nothing in this subdivision shall be construed to prevent any motor vehicle from
90 being registered as a commercial motor vehicle or local commercial motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose
92 operations are confined solely to a municipality and that area extending not more
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying
94 operations are confined solely to the transportation of property owned by any
95 person who is the owner or operator of such vehicle to or from a farm owned by
96 such person or under the person's control by virtue of a landlord and tenant lease;
97 provided that any such property transported to any such farm is for use in the
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered
100 pursuant to this chapter to operate as a motor vehicle on the public highways of
101 this state, used exclusively in this state, used to transport harvested forest
102 products, operated solely at a forested site and in an area extending not more
103 than a fifty-mile radius from such site, carries a load with dimensions not in
104 excess of twenty-five cubic yards per two axles with dual wheels, and when
105 operated on the national system of interstate and defense highways described in
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed
107 the weight limits of section 304.180, RSMo, does not have more than four axles,
108 and does not pull a trailer which has more than two axles. Harvesting equipment
109 which is used specifically for cutting, felling, trimming, delimiting, debarking,

110 chipping, skidding, loading, unloading, and stacking may be transported on a
111 local log truck. A local log truck may not exceed the limits required by law,
112 however, if the truck does exceed such limits as determined by the inspecting
113 officer, then notwithstanding any other provisions of law to the contrary, such
114 truck shall be subject to the weight limits required by such sections as licensed
115 for eighty thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is
117 registered under this chapter to operate as a motor vehicle on the public
118 highways of this state, used exclusively in this state, used to transport harvested
119 forest products, operated solely at a forested site and in an area extending not
120 more than a fifty-mile radius from such site, operates with a weight not exceeding
121 twenty-two thousand four hundred pounds on one axle or with a weight not
122 exceeding forty-four thousand eight hundred pounds on any tandem axle, and
123 when operated on the national system of interstate and defense highways
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does
125 not exceed the weight limits contained in section 304.180, RSMo, and does not
126 have more than three axles and does not pull a trailer which has more than two
127 axles. Violations of axle weight limitations shall be subject to the load limit
128 penalty as described for in sections 304.180 to 304.220, RSMo;

129 (28) "Local transit bus", a bus whose operations are confined wholly
130 within a municipal corporation, or wholly within a municipal corporation and a
131 commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming
132 a part of a public transportation system within such municipal corporation and
133 such municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck
135 tractor and is used exclusively to transport harvested forest products to and from
136 forested sites which is registered pursuant to this chapter to operate as a motor
137 vehicle on the public highways of this state for the transportation of harvested
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,
140 front-end assembly, and front clip, as those terms are defined by the director of
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other

146 state that comes onto a salvage site and crushes motor vehicles and parts for
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,
149 which receives a new, rebuilt or used engine, and which used the number
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor
155 vehicle licensed for over twelve thousand pounds;

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having
160 an automatic transmission and a motor with a cylinder capacity of not more than
161 fifty cubic centimeters, which produces less than three gross brake horsepower,
162 and is capable of propelling the device at a maximum speed of not more than
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including
165 a motorcycle while operated with any conveyance, temporary or otherwise,
166 requiring the use of a third wheel. A motortricycle shall not be included in the
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for
176 the conditional sale or lease thereof with the right of purchase upon performance
177 of the conditions stated in the agreement and with an immediate right of
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,

182 stored, repaired, reconstructed or repainted for persons other than the owners or
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned
185 by the rebuilder, but does not include certificated common or contract carriers of
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its
188 original construction by the addition or substitution of two or more new or used
189 major component parts, excluding motor vehicles made from all new parts, and
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed
192 or substantially modified so that it may be used and is used for the purposes of
193 temporary housing quarters, including therein sleeping and eating facilities
194 which are either permanently attached to the motor vehicle or attached to a unit
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any
196 motor vehicle from being registered as a commercial motor vehicle if the motor
197 vehicle could otherwise be so registered;

198 (48) "Rollback or car carrier", any vehicle specifically designed to
199 transport wrecked, disabled or otherwise inoperable vehicles, when the
200 transportation is directly connected to a wrecker or towing service;

201 (49) "Saddlemount combination", a combination of vehicles in which a
202 truck or truck tractor tows one or more trucks or truck tractors, each connected
203 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"
204 is a mechanism that connects the front axle of the towed vehicle to the frame or
205 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
206 connection. When two vehicles are towed in this manner the combination is
207 called a "double saddlemount combination". When three vehicles are towed in
208 this manner, the combination is called a "triple saddlemount combination";

209 (50) "Salvage dealer and dismantler", a business that dismantles used
210 motor vehicles for the sale of the parts thereof, and buys and sells used motor
211 vehicle parts and accessories;

212 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

213 (a) **Has a manufacturer's model year designation of or later than**
214 **the year in which the vehicle was wrecked, destroyed, or damaged, or**
215 **any of the three preceding years and** has been damaged to the extent that
216 the total cost of repairs to rebuild or reconstruct the vehicle to its condition
217 immediately before it was damaged for legal operation on the roads or highways

218 exceeds [seventy-five] **eighty** percent of the fair market value of the vehicle
219 immediately preceding the time it was damaged;

220 (b) By reason of condition or circumstance, has been declared salvage,
221 either by its owner, or by a person, firm, corporation, or other legal entity
222 exercising the right of security interest in it;

223 (c) Has been declared salvage by an insurance company as a result of
224 settlement of a claim for loss due to damage or theft;

225 (d) Ownership of which is evidenced by a salvage title; or

226 (e) Is abandoned property which is titled pursuant to section 304.155,
227 RSMo, or section 304.157, RSMo, and designated with the words
228 "salvage/abandoned property".

229 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the
230 cost of repairing, replacing, or reinstalling inflatable safety restraints, tires,
231 sound systems, or any sales tax on parts or materials to rebuild or reconstruct the
232 vehicle. For purposes of this definition, "fair market value" means the retail
233 value of a motor vehicle as:

234 a. Set forth in a current edition of any nationally recognized compilation
235 of retail values, including automated databases, or from publications commonly
236 used by the automotive and insurance industries to establish the values of motor
237 vehicles;

238 b. Determined pursuant to a market survey of comparable vehicles with
239 regard to condition and equipment; and

240 c. Determined by an insurance company using any other procedure
241 recognized by the insurance industry, including market surveys, that is applied
242 by the company in a uniform manner;

243 (52) "School bus", any motor vehicle used solely to transport students to
244 or from school or to transport students to or from any place for educational
245 purposes;

246 (53) "Shuttle bus", a motor vehicle used or maintained by any person,
247 firm, or corporation as an incidental service to transport patrons or customers of
248 the regular business of such person, firm, or corporation to and from the place of
249 business of the person, firm, or corporation providing the service at no fee or
250 charge. Shuttle buses shall not be registered as buses or as commercial motor
251 vehicles;

252 (54) "Special mobile equipment", every self-propelled vehicle not designed
253 or used primarily for the transportation of persons or property and incidentally

254 operated or moved over the highways, including farm equipment, implements of
255 husbandry, road construction or maintenance machinery, ditch-digging apparatus,
256 stone crushers, air compressors, power shovels, cranes, graders, rollers,
257 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,
258 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
259 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag
260 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
261 enumeration shall be deemed partial and shall not operate to exclude other such
262 vehicles which are within the general terms of this section;

263 (55) "Specially constructed motor vehicle", a motor vehicle which shall not
264 have been originally constructed under a distinctive name, make, model or type
265 by a manufacturer of motor vehicles. The term "specially constructed motor
266 vehicle" includes kit vehicles;

267 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the
268 fifth wheel is located on a drop frame located behind and below the rearmost axle
269 of the power unit;

270 (57) "Tandem axle", a group of two or more axles, arranged one behind
271 another, the distance between the extremities of which is more than forty inches
272 and not more than ninety-six inches apart;

273 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor
274 vehicle designed for drawing other vehicles, but not for the carriage of any load
275 when operating independently. When attached to a semitrailer, it supports a part
276 of the weight thereof;

277 (59) "Trailer", any vehicle without motive power designed for carrying
278 property or passengers on its own structure and for being drawn by a
279 self-propelled vehicle, except those running exclusively on tracks, including a
280 semitrailer or vehicle of the trailer type so designed and used in conjunction with
281 a self-propelled vehicle that a considerable part of its own weight rests upon and
282 is carried by the towing vehicle. The term "trailer" shall not include cotton
283 trailers as defined in subdivision (8) of this section and shall not include
284 manufactured homes as defined in section 700.010, RSMo;

285 (60) "Truck", a motor vehicle designed, used, or maintained for the
286 transportation of property;

287 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in
288 which the two trailing units are connected with a B-train assembly which is a
289 rigid frame extension attached to the rear frame of a first semitrailer which

290 allows for a fifth-wheel connection point for the second semitrailer and has one
291 less articulation point than the conventional "A dolly" connected truck-tractor
292 semitrailer-trailer combination;

293 (62) "Truck-trailer boat transporter combination", a boat transporter
294 combination consisting of a straight truck towing a trailer using typically a ball
295 and socket connection with the trailer axle located substantially at the trailer
296 center of gravity rather than the rear of the trailer but so as to maintain a
297 downward force on the trailer tongue;

298 (63) "Used parts dealer", a business that buys and sells used motor vehicle
299 parts or accessories, but not including a business that sells only new,
300 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
301 swap meet of less than three days;

302 (64) "Vanpool", any van or other motor vehicle used or maintained by any
303 person, group, firm, corporation, association, city, county or state agency, or any
304 member thereof, for the transportation of not less than eight nor more than
305 forty-eight employees, per motor vehicle, to and from their place of employment;
306 however, a vanpool shall not be included in the definition of the term "bus" or
307 "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section,
308 nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by
309 section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing
310 arrangements, recreational, personal, or maintenance uses constitute an
311 unlicensed use of the motor vehicle, unless used for monetary profit other than
312 for use in a ride-sharing arrangement;

313 (65) "Vehicle", any mechanical device on wheels, designed primarily for
314 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn
315 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
316 or cotton trailers or motorized wheelchairs operated by handicapped persons;

317 (66) "Wrecker" or "tow truck", any emergency commercial vehicle
318 equipped, designed and used to assist or render aid and transport or tow disabled
319 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
320 point of storage or repair, including towing a replacement vehicle to replace a
321 disabled or wrecked vehicle;

322 (67) "Wrecker or towing service", the act of transporting, towing or
323 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
324 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
325 the operator directly or indirectly receives compensation or other personal gain.

301.055. The annual registration fee for **passenger** motor vehicles [other

2 than commercial motor vehicles is:

3	Less than 12 horsepower	\$18.00
4	12 horsepower and less than 24 horsepower	21.00
5	24 horsepower and less than 36 horsepower	24.00
6	36 horsepower and less than 48 horsepower	33.00
7	48 horsepower and less than 60 horsepower	39.00
8	60 horsepower and less than 72 horsepower	45.00
9	72 horsepower and more	51.00]
10	and commercial motor vehicles with a gross weight rating of twelve	
11	thousand pounds or less shall be	26.25
12	Motorcycles	8.50
13	Motortricycles	10.00

301.057. The annual registration fee for property-carrying commercial

2 motor vehicles, not including property-carrying local commercial motor vehicles,

3 or land improvement contractors' commercial motor vehicles, based on gross

4 weight is:

5	[6,000 pounds and under	\$ 25.50
6	6,001 pounds to 9,000 pounds	38.00
7	9,001 pounds to 12,000 pounds	38.00]
8	12,001 pounds to 18,000 pounds	63.00
9	18,001 pounds to 24,000 pounds	100.50
10	24,001 pounds to 26,000 pounds	127.00
11	26,001 pounds to 30,000 pounds	180.00
12	30,001 pounds to 36,000 pounds	275.50
13	36,001 pounds to 42,000 pounds	413.00
14	42,001 pounds to 48,000 pounds	550.50
15	48,001 pounds to 54,000 pounds	688.00
16	54,001 pounds to 60,010 pounds	825.50
17	60,011 pounds to 66,000 pounds	1,100.50
18	66,001 pounds to 73,280 pounds	1,375.50
19	73,281 pounds to 78,000 pounds	1,650.50
20	78,001 pounds to 80,000 pounds	1,719.50

301.058. 1. The annual registration fee for property-carrying local

2 commercial motor vehicles, other than a land improvement contractors'

3 commercial motor vehicles, based on gross weight is:

4	[6,000 pounds and under	\$ 15.50
5	6,001 pounds to 12,000 pounds	18.00]
6	12,001 pounds to 18,000 pounds	20.50
7	18,001 pounds to 24,000 pounds	27.50
8	24,001 pounds to 26,000 pounds	33.50
9	26,001 pounds to 30,000 pounds	45.50
10	30,001 pounds to 36,000 pounds	67.50
11	36,001 pounds to 42,000 pounds	100.50
12	42,001 pounds to 48,000 pounds	135.50
13	48,001 pounds to 54,000 pounds	170.50
14	54,001 pounds to 60,010 pounds	200.50
15	60,011 pounds to 66,000 pounds	270.50
16	66,001 pounds to 72,000 pounds	335.50
17	72,001 pounds to 80,000 pounds	350.50

18 2. Any person found to have improperly registered a motor vehicle in
19 excess of fifty-four thousand pounds when he or she was not entitled to shall be
20 required to purchase the proper license plates and, in addition to all other
21 penalties provided by law, shall be subject to the annual registration fee for the
22 full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.070. 1. [In determining fees based on the horsepower of vehicles
2 propelled by internal combustion engines, the horsepower shall be computed and
3 recorded upon the following formula established by the National Automobile
4 Chamber of Commerce: Square the bore of the cylinder in inches multiplied by
5 the number of cylinders, divided by two and one-half.

6 2. The horsepower of all motor vehicles propelled by steam may be
7 accepted as rated by the manufacturers thereof, or may be determined in
8 accordance with regulations promulgated by the director.

9 3. The horsepower of all motor vehicles, except commercial motor vehicles,
10 propelled by electric power, shall be rated as being between twelve and
11 twenty-four horsepower.

12 4.] Fees of commercial motor vehicles, other than passenger-carrying
13 commercial motor vehicles, shall be based on the gross weight of the vehicle or
14 any combination of vehicles and the maximum load to be carried at any one time
15 during the license period, except the fee for a wrecker, tow truck, rollback or car
16 carrier used in a towing service shall be based on the empty weight of such
17 vehicle fully equipped for the recovery or towing of vehicles.

18 [5.] 2. The decision of the director as to the type of motor vehicles and
19 their classification for the purpose of registration and the computation of fees
20 therefor shall be final and conclusive.

 301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words
7 "SHOW-ME STATE", the month and year in which the registration shall expire,
8 and an arrangement of numbers or letters, or both, as shall be assigned from year
9 to year by the director of revenue. The plates shall also contain fully reflective
10 material with a common color scheme and design for each type of license plate
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and
12 shall be aesthetically attractive. Special plates for qualified disabled veterans
13 will have the "DISABLED VETERAN" wording on the license plates in preference
14 to the words "SHOW-ME STATE" and special plates for members of the national
15 guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter, but only one license plate shall be issued for each such
28 vehicle except as provided in this subsection. The applicant for registration of
29 any property-carrying commercial motor vehicle may request and be issued two
30 license plates for such vehicle, and if such plates are issued the director of
31 revenue may assess and collect an additional charge from the applicant in an
32 amount not to exceed the fee prescribed for personalized license plates in
33 subsection 1 of section 301.144.

34 4. The plates issued to manufacturers and dealers shall bear the [letter
35 "D" preceding the number,] **letters and numbers as prescribed by section**
36 **301.560**, and the director may place upon the plates other letters or marks to
37 distinguish commercial motor vehicles and trailers and other types of motor
38 vehicles.

39 5. No motor vehicle or trailer shall be operated on any highway of this
40 state unless it shall have displayed thereon the license plate or set of license
41 plates issued by the director of revenue or the state highways and transportation
42 commission and authorized by section 301.140. Each such plate shall be securely
43 fastened to the motor vehicle in a manner so that all parts thereof shall be
44 plainly visible and reasonably clean so that the reflective qualities thereof are not
45 impaired. **Each such plate may be encased in a transparent cover so**
46 **long as the plate is plainly visible and its reflective qualities are not**
47 **impaired.** License plates shall be fastened to all motor vehicles except trucks,
48 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand
49 pounds on the front and rear of such vehicles not less than eight nor more than
50 forty-eight inches above the ground, with the letters and numbers thereon right
51 side up. The license plates on trailers, motorcycles, motortricycles and
52 motorscooters shall be displayed on the rear of such vehicles, with the letters and
53 numbers thereon right side up. The license plate on buses, other than school
54 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess
55 of twelve thousand pounds shall be displayed on the front of such vehicles not
56 less than eight nor more than forty-eight inches above the ground, with the
57 letters and numbers thereon right side up or if two plates are issued for the
58 vehicle pursuant to subsection 3 of this section, displayed in the same manner on
59 the front and rear of such vehicles. The license plate or plates authorized by
60 section 301.140, when properly attached, shall be prima facie evidence that the
61 required fees have been paid.

62 6. (1) The director of revenue shall issue annually or biennially a tab or
63 set of tabs as provided by law as evidence of the annual payment of registration
64 fees and the current registration of a vehicle in lieu of the set of
65 plates. Beginning January 1, 2010, the director may prescribe any additional
66 information recorded on the tab or tabs to ensure that the tab or tabs positively
67 correlate with the license plate or plates issued by the department of revenue for
68 such vehicle. Such tabs shall be produced in each license bureau office.

69 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and

70 display such tab or tabs in the designated area of the license plate, no more than
71 one per plate.

72 (3) A tab or set of tabs issued by the director of revenue when attached
73 to a vehicle in the prescribed manner shall be prima facie evidence that the
74 registration fee for such vehicle has been paid.

75 (4) Except as otherwise provided in this section, the director of revenue
76 shall issue plates for a period of at least six years.

77 (5) For those commercial motor vehicles and trailers registered pursuant
78 to section 301.041, the plate issued by the highways and transportation
79 commission shall be a permanent nonexpiring license plate for which no tabs
80 shall be issued. Nothing in this section shall relieve the owner of any vehicle
81 permanently registered pursuant to this section from the obligation to pay the
82 annual registration fee due for the vehicle. The permanent nonexpiring license
83 plate shall be returned to the highways and transportation commission upon the
84 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
85 license plate is issued, or the plate may be transferred to a replacement
86 commercial motor vehicle when the owner files a supplemental application with
87 the Missouri highways and transportation commission for the registration of such
88 replacement commercial motor vehicle. Upon payment of the annual registration
89 fee, the highways and transportation commission shall issue a certificate of
90 registration or other suitable evidence of payment of the annual fee, and such
91 evidence of payment shall be carried at all times in the vehicle for which it is
92 issued.

93 (6) Upon the sale or disposal of any vehicle permanently registered under
94 this section, or upon the termination of a lease of any such vehicle, the permanent
95 nonexpiring plate issued for such vehicle shall be returned to the highways and
96 transportation commission and shall not be valid for operation of such vehicle, or
97 the plate may be transferred to a replacement vehicle when the owner files a
98 supplemental application with the Missouri highways and transportation
99 commission for the registration of such replacement vehicle. If a vehicle which
100 is permanently registered under this section is sold, wrecked or otherwise
101 disposed of, or the lease terminated, the registrant shall be given credit for any
102 unused portion of the annual registration fee when the vehicle is replaced by the
103 purchase or lease of another vehicle during the registration year.

104 7. The director of revenue and the highways and transportation
105 commission may prescribe rules and regulations for the effective administration

106 of this section. No rule or portion of a rule promulgated under the authority of
107 this section shall become effective unless it has been promulgated pursuant to the
108 provisions of section 536.024, RSMo.

109 8. Notwithstanding the provisions of any other law to the contrary, owners
110 of motor vehicles other than apportioned motor vehicles or commercial motor
111 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
112 for special personalized license plates. Vehicles licensed for eighteen thousand
113 pounds that display special personalized license plates shall be subject to the
114 provisions of subsections 1 and 2 of section 301.030.

115 9. Commencing January 1, 2009, the director of revenue shall cause to be
116 reissued new license plates of such design as directed by the director consistent
117 with the terms, conditions, and provisions of this section and this
118 chapter. Except as otherwise provided in this section, in addition to all other fees
119 required by law, applicants for registration of vehicles with license plates that
120 expire between January 1, 2009, and December 31, 2011, applicants for
121 registration of trailers or semitrailers with license plates that expire between
122 January 1, 2009, and December 31, 2011, and applicants for registration of
123 vehicles that are to be issued new license plates shall pay an additional fee, based
124 on the actual cost of the reissuance, to cover the cost of the newly reissued plates
125 required by this subsection. The additional fee prescribed in this subsection shall
126 not be charged to persons receiving special license plates issued under section
127 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to
128 section 301.131 and specialized license plates are exempt from the provisions of
129 this subsection.

301.131. 1. Any motor vehicle over twenty-five years old which is owned
2 solely as a collector's item and which is used and intended to be used for
3 exhibition and educational purposes shall be permanently registered upon
4 payment of a registration fee of twenty-five dollars. Upon the transfer of the title
5 to any such vehicle the registration shall be canceled and the license plates
6 issued therefor shall be returned to the director of revenue.

7 2. The owner of any such vehicle shall file an application in a form
8 prescribed by the director, if such vehicle meets the requirements of this section,
9 and a certificate of registration shall be issued therefor. Such certificate need not
10 specify the horsepower of the motor vehicle.

11 3. The director shall issue to the owner of any motor vehicle registered
12 pursuant to this section the same number of license plates which would be issued

13 with a regular annual registration, containing the number assigned to the
14 registration certificate issued by the director of revenue. Such license plates shall
15 be made with fully reflective material with a common color scheme and design,
16 shall be clearly visible at night, and shall be aesthetically attractive, as
17 prescribed by section 301.130.

18 4. Historic vehicles may be driven to and from repair facilities one
19 hundred miles from the vehicle's location, and in addition may be driven up to
20 one thousand miles per year for personal use. The owner of the historic vehicle
21 shall be responsible for keeping a log of the miles driven for personal use each
22 calendar year. Such log must be kept in the historic vehicle when the vehicle is
23 driven on any state road. The historic vehicle's mileage driven in an antique auto
24 tour or event and mileage driven to and from such a tour or event shall not be
25 considered mileage driven for the purpose of the mileage limitations in this
26 section. Violation of this section [is a class C misdemeanor] **shall be**
27 **punishable under section 301.440**, and in addition to any other penalties
28 prescribed by law, upon [conviction] **plea or finding of guilt** thereof, the
29 director of revenue shall revoke the historic motor vehicle license plates of such
30 violator which were issued pursuant to this section.

31 5. Notwithstanding any provisions of this section to the contrary, any
32 person possessing a license plate issued by the state of Missouri that is over
33 twenty-five years old, in which the year of the issuance of such plate is consistent
34 with the year of the manufacture of the vehicle, the owner of the vehicle may
35 register such plate as an historic vehicle plate as set forth in subsections 1 and
36 2 of this section, provided that the configuration of letters, numbers or
37 combination of letters and numbers of such plate are not identical to the
38 configuration of letters, numbers or combination of letters and numbers of any
39 plates already issued to an owner by the director. Such license plate shall not be
40 required to possess the characteristic features of reflective material and common
41 color scheme and design as prescribed in section 301.130. The owner of the
42 historic vehicle registered pursuant to this subsection shall keep the certificate
43 of registration in the vehicle at all times. The certificate of registration shall be
44 prima facie evidence that the vehicle has been properly registered with the
45 director and that all fees have been paid.

301.142. 1. As used in sections 301.141 to 301.143, the following terms
2 mean:

3 (1) "Department", the department of revenue;

4 (2) "Director", the director of the department of revenue;

5 (3) "Other authorized health care practitioner" includes only chiropractors
6 licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter
7 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

8 (4) "Physically disabled", a natural person who is blind, as defined in
9 section 8.700, RSMo, or a natural person with medical disabilities which
10 prohibits, limits, or severely impairs one's ability to ambulate or walk, as
11 determined by a licensed physician or other authorized health care practitioner
12 as follows:

13 (a) The person cannot ambulate or walk fifty or less feet without stopping
14 to rest due to a severe and disabling arthritic, neurological, orthopedic condition,
15 or other severe and disabling condition; or

16 (b) The person cannot ambulate or walk without the use of, or assistance
17 from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
18 assistive device; or

19 (c) Is restricted by a respiratory or other disease to such an extent that
20 the person's forced respiratory expiratory volume for one second, when measured
21 by spirometry, is less than one liter, or the arterial oxygen tension is less than
22 sixty mm/hg on room air at rest; or

23 (d) Uses portable oxygen; or

24 (e) Has a cardiac condition to the extent that the person's functional
25 limitations are classified in severity as class III or class IV according to standards
26 set by the American Heart Association; or

27 (f) A person's age, in and of itself, shall not be a factor in determining
28 whether such person is physically disabled or is otherwise entitled to disabled
29 license plates and/or disabled windshield hanging placards within the meaning
30 of sections 301.141 to 301.143;

31 (5) "Physician", a person licensed to practice medicine pursuant to chapter
32 334, RSMo;

33 (6) "Physician's statement", a statement personally signed by a duly
34 authorized person which certifies that a person is disabled as defined in this
35 section;

36 (7) "Temporarily disabled person", a disabled person as defined in this
37 section whose disability or incapacity is expected to last no more than one
38 hundred eighty days.

39 2. Other authorized health care practitioners may furnish to a disabled

40 or temporarily disabled person a physician's statement for only those physical
41 health care conditions for which such health care practitioner is legally
42 authorized to diagnose and treat.

43 3. A physician's statement shall:

44 (1) Be on a form prescribed by the director of revenue;

45 (2) Set forth the specific diagnosis and medical condition which renders
46 the person physically disabled or temporarily disabled as defined in this section;

47 (3) Include the physician's or other authorized health care practitioner's
48 license number; and

49 (4) Be personally signed by the issuing physician or other authorized
50 health care practitioner.

51 4. If it is the professional opinion of the physician or other authorized
52 health care practitioner issuing the statement that the physical disability of the
53 applicant, user, or member of the applicant's household is permanent, it shall be
54 noted on the statement. Otherwise, the physician or other authorized health care
55 practitioner shall note on the statement the anticipated length of the disability
56 which period may not exceed one hundred eighty days. If the physician or health
57 care practitioner fails to record an expiration date on the physician's statement,
58 the director shall issue a temporary windshield placard for a period of thirty
59 days.

60 5. A physician or other authorized health care practitioner who issues or
61 signs a physician's statement so that disabled plates or a disabled windshield
62 placard may be obtained shall maintain in such disabled person's medical chart
63 documentation that such a certificate has been issued, the date the statement was
64 signed, the diagnosis or condition which existed that qualified the person as
65 disabled pursuant to this section and shall contain sufficient documentation so
66 as to objectively confirm that such condition exists.

67 6. The medical or other records of the physician or other authorized
68 health care practitioner who issued a physician's statement shall be open to
69 inspection and review by such practitioner's licensing board, in order to verify
70 compliance with this section. Information contained within such records shall be
71 confidential unless required for prosecution, disciplinary purposes, or otherwise
72 required to be disclosed by law.

73 7. Owners of motor vehicles who are residents of the state of Missouri,
74 and who are physically disabled, owners of motor vehicles operated at least fifty
75 percent of the time by a physically disabled person, or owners of motor vehicles

76 used to primarily transport physically disabled members of the owner's household
77 may obtain disabled person license plates. Such owners, upon application,
78 accompanied by the documents and fees provided for in this section, a current
79 physician's statement which has been issued within ninety days preceding the
80 date the application is made and proof of compliance with the state motor vehicle
81 laws relating to registration and licensing of motor vehicles, shall be issued motor
82 vehicle license plates for vehicles, other than commercial vehicles with a gross
83 weight in excess of twenty-four thousand pounds, upon which shall be inscribed
84 the international wheelchair accessibility symbol and the word "DISABLED" in
85 addition to a combination of letters and numbers. Such license plates shall be
86 made with fully reflective material with a common color scheme and design, shall
87 be clearly visible at night, and shall be aesthetically attractive, as prescribed by
88 section 301.130.

89 8. The director shall further issue, upon request, to such applicant one,
90 and for good cause shown, as the director may define by rule and regulations, not
91 more than two, removable disabled windshield hanging placards for use when the
92 disabled person is occupying a vehicle or when a vehicle not bearing the
93 permanent handicap plate is being used to pick up, deliver, or collect the
94 physically disabled person issued the disabled motor vehicle license plate or
95 disabled windshield hanging placard.

96 9. No additional fee shall be paid to the director for the issuance of the
97 special license plates provided in this section, except for special personalized
98 license plates and other license plates described in this subsection. Priority for
99 any specific set of special license plates shall be given to the applicant who
100 received the number in the immediately preceding license period subject to the
101 applicant's compliance with the provisions of this section and any applicable rules
102 or regulations issued by the director. If determined feasible by the advisory
103 committee established in section 301.129, any special license plate issued
104 pursuant to this section may be adapted to also include the international
105 wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
106 section and such plate may be issued to any applicant who meets the
107 requirements of this section and the other appropriate provision of this chapter,
108 subject to the requirements and fees of the appropriate provision of this chapter.

109 10. Any physically disabled person, or the parent or guardian of any such
110 person, or any not-for-profit group, organization, or other entity which transports
111 more than one physically disabled person, may apply to the director of revenue

112 for a removable windshield placard. The placard may be used in motor vehicles
113 which do not bear the permanent handicap symbol on the license plate. Such
114 placards must be hung from the front, middle rearview mirror of a parked motor
115 vehicle and may not be hung from the mirror during operation. These placards
116 may only be used during the period of time when the vehicle is being used by a
117 disabled person, or when the vehicle is being used to pick up, deliver, or collect
118 a disabled person. When there is no rearview mirror, the placard shall be
119 displayed on the dashboard on the driver's side.

120 11. The removable windshield placard shall conform to the specifications,
121 in respect to size, color, and content, as set forth in federal regulations published
122 by the Department of Transportation. The [fee for each removable windshield
123 placard shall be four dollars and the] removable windshield placard shall be
124 renewed every [two] **four** years. The director may stagger the expiration dates
125 to equalize workload. Only one removable placard may be issued to an applicant
126 who has been issued disabled person license plates. Upon request, one additional
127 windshield placard may be issued to an applicant who has not been issued
128 disabled person license plates, at the appropriate fee.

129 12. A temporary windshield placard shall be issued to any physically
130 disabled person, or the parent or guardian of any such person who otherwise
131 qualifies except that the physical disability, in the opinion of the physician, is not
132 expected to exceed a period of one hundred eighty days. The temporary
133 windshield placard shall conform to the specifications, in respect to size, color,
134 and content, as set forth in federal regulations published by the Department of
135 Transportation. The fee for the temporary windshield placard shall be two
136 dollars. Upon request, and for good cause shown, one additional temporary
137 windshield placard may be issued to an applicant. Temporary windshield
138 placards shall be issued upon presentation of the physician's statement provided
139 by this section and shall be displayed in the same manner as removable
140 windshield placards. A person or entity shall be qualified to possess and display
141 a temporary removable windshield placard for six months and the placard may
142 be renewed once for an additional six months if a physician's statement pursuant
143 to this section is supplied to the director of revenue at the time of renewal.

144 13. Application for license plates or windshield placards issued pursuant
145 to this section shall be made to the director of revenue and shall be accompanied
146 by a statement signed by a licensed physician or other authorized health care
147 practitioner which certifies that the applicant, user, or member of the applicant's

148 household is a physically disabled person as defined by this section.

149 14. The placard shall be renewable only by the person or entity to which
150 the placard was originally issued. Any placard issued pursuant to this section
151 shall only be used when the physically disabled occupant for whom the disabled
152 plate or placard was issued is in the motor vehicle at the time of parking or when
153 a physically disabled person is being delivered or collected. A disabled license
154 plate and/or a removable windshield hanging placard are not transferable and
155 may not be used by any other person whether disabled or not.

156 15. At the time the disabled plates or windshield hanging placards are
157 issued, the director shall issue a registration certificate which shall include the
158 applicant's name, address, and other identifying information as prescribed by the
159 director, or if issued to an agency, such agency's name and address. This
160 certificate shall further contain the disabled license plate number or, for
161 windshield hanging placards, the registration or identifying number stamped on
162 the placard. The validated registration receipt given to the applicant shall serve
163 as the registration certificate.

164 16. The director shall, upon issuing any disabled registration certificate
165 for license plates and/or windshield hanging placards, provide information which
166 explains that such plates or windshield hanging placards are nontransferable,
167 and the restrictions explaining who and when a person or vehicle which bears or
168 has the disabled plates or windshield hanging placards may be used or be parked
169 in a disabled reserved parking space, and the penalties prescribed for violations
170 of the provisions of this act.

171 17. Every new applicant for a disabled license plate or placard shall be
172 required to present a new physician's statement dated no more than ninety days
173 prior to such application. Renewal applicants will be required to submit a
174 physician's statement dated no more than ninety days prior to such application
175 upon their first renewal occurring on or after August 1, 2005. Upon completing
176 subsequent renewal applications, a physician's statement dated no more than
177 ninety days prior to such application shall be required every fourth year. Such
178 physician's statement shall state the expiration date for the temporary windshield
179 placard. If the physician fails to record an expiration date on the physician's
180 statement, the director shall issue the temporary windshield placard for a period
181 of thirty days.

182 18. The director of revenue upon receiving a physician's statement
183 pursuant to this subsection shall check with the state board of registration for the

184 healing arts created in section 334.120, RSMo, or the Missouri state board of
185 chiropractic examiners established in section 331.090, RSMo, with respect to
186 physician's statements signed by licensed chiropractors, or with the board of
187 optometry established in section 336.130, RSMo, with respect to physician's
188 statements signed by licensed optometrists, or the state board of podiatric
189 medicine created in section 330.100, RSMo, with respect to physician's statements
190 signed by physicians of the foot or podiatrists to determine whether the physician
191 is duly licensed and registered pursuant to law.

192 19. The boards shall cooperate with the director and shall supply
193 information requested pursuant to this subsection. The director shall, in
194 cooperation with the boards which shall assist the director, establish a list of all
195 Missouri physicians and other authorized health care practitioners and of any
196 other information necessary to administer this section.

197 20. Where the owner's application is based on the fact that the vehicle is
198 used at least fifty percent of the time by a physically disabled person, the
199 applicant shall submit a statement stating this fact, in addition to the physician's
200 statement. The statement shall be signed by both the owner of the vehicle and
201 the physically disabled person. The applicant shall be required to submit this
202 statement with each application for license plates. No person shall willingly or
203 knowingly submit a false statement and any such false statement shall be
204 considered perjury and may be punishable pursuant to section 301.420.

205 21. The director of revenue shall retain all physicians' statements and all
206 other documents received in connection with a person's application for disabled
207 license plates and/or disabled windshield placards.

208 22. The director of revenue shall enter into reciprocity agreements with
209 other states or the federal government for the purpose of recognizing disabled
210 person license plates or windshield placards issued to physically disabled persons.

211 23. When a person to whom disabled person license plates or a removable
212 or temporary windshield placard or both have been issued dies, the personal
213 representative of the decedent or such other person who may come into or
214 otherwise take possession of the disabled license plates or disabled windshield
215 placard shall return the same to the director of revenue under penalty of
216 law. Failure to return such plates or placards shall constitute a class B
217 misdemeanor.

218 24. The director of revenue may order any person issued disabled person
219 license plates or windshield placards to submit to an examination by a

220 chiropractor, osteopath, or physician, or to such other investigation as will
221 determine whether such person qualifies for the special plates or placards.

222 25. If such person refuses to submit or is found to no longer qualify for
223 special plates or placards provided for in this section, the director of revenue
224 shall collect the special plates or placards, and shall furnish license plates to
225 replace the ones collected as provided by this chapter.

226 26. In the event a removable or temporary windshield placard is lost,
227 stolen, or mutilated, the lawful holder thereof shall, within five days, file with the
228 director of revenue an application and an affidavit stating such fact, in order to
229 purchase a new placard. The fee for the **temporary** replacement windshield
230 placard shall be four dollars.

231 27. Fraudulent application, renewal, issuance, procurement or use of
232 disabled person license plates or windshield placards shall be a class A
233 misdemeanor. It is a class B misdemeanor for a physician, chiropractor,
234 podiatrist or optometrist to certify that an individual or family member is
235 qualified for a license plate or windshield placard based on a disability, the
236 diagnosis of which is outside their scope of practice or if there is no basis for the
237 diagnosis.

301.144. 1. The director of revenue shall establish and issue special
2 personalized license plates containing letters or numbers or combinations of
3 letters and numbers. Such license plates shall be made with fully reflective
4 material with a common color scheme and design, shall be clearly visible at night,
5 and shall be aesthetically attractive, as prescribed by section 301.130. Any
6 person desiring to obtain a special personalized license plate for any motor
7 vehicle the person owns, either solely or jointly, other than an apportioned motor
8 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
9 pounds gross weight shall apply to the director of revenue on a form provided by
10 the director and shall pay a fee of fifteen dollars in addition to the regular
11 registration fees. The director of revenue shall issue rules and regulations
12 setting the standards and establishing the procedure for application for and
13 issuance of the special personalized license plates and shall provide a deadline
14 each year for the applications. Any rule or portion of a rule, as that term is
15 defined in section 536.010, RSMo, that is created under the authority delegated
16 in this section shall become effective only if it complies with and is subject to all
17 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
18 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the

19 powers vested with the general assembly pursuant to chapter 536, RSMo, to
20 review, to delay the effective date or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
23 two owners shall be issued identical plates. An owner shall make a new
24 application and pay a new fee each year such owner desires to obtain or retain
25 special personalized license plates; however, notwithstanding the provisions of
26 subsection 8 of section 301.130 to the contrary, the director shall allow the special
27 personalized license plates to be replaced with new plates every three years
28 without any additional charge, above the fee established in this section, to the
29 renewal applicant. Any person currently in possession of an approved
30 personalized license plate shall have first priority on that particular plate for
31 each of the following years that timely and appropriate application is made.

32 2. Upon application for a personalized plate by the owner of a motor
33 vehicle for which the owner has no registration plate available for transfer as
34 prescribed by section 301.140, the director shall issue a temporary permit
35 authorizing the operation of the motor vehicle until the personalized plate is
36 issued.

37 3. No personalized license plates shall be issued containing any letters,
38 numbers or combination of letters and numbers which are obscene, profane,
39 patently offensive or contemptuous of a racial or ethnic group, or offensive to good
40 taste or decency, or would present an unreasonable danger to the health or safety
41 of the applicant, of other users of streets and highways, or of the public in any
42 location where the vehicle with such a plate may be found. The director may
43 recall any personalized license plates, including those issued prior to August 28,
44 1992, if the director determines that the plates are obscene, profane, patently
45 offensive or contemptuous of a racial or ethnic group, or offensive to good taste
46 or decency, or would present an unreasonable danger to the health or safety of
47 the applicant, of other users of streets and highways, or of the public in any
48 location where the vehicle with such a plate may be found. Where the director
49 recalls such plates pursuant to the provisions of this subsection, the director shall
50 reissue personalized license plates to the owner of the motor vehicle for which
51 they were issued at no charge, if the new plates proposed by the owner of the
52 motor vehicle meet the standards established pursuant to this section. The
53 director shall not apply the provisions of this statute in a way that violates the
54 Missouri or United States Constitutions as interpreted by the courts with

55 controlling authority in the state of Missouri. The primary purpose of motor
56 vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a
57 personalized license plate creates a designated or limited public forum. Nothing
58 contained in this subsection shall be interpreted to prohibit the use of license
59 plates, which are no longer valid for registration purposes, as collector's items or
60 for decorative purposes.

61 4. The director may also establish categories of special license plates from
62 which license plates may be issued. Any such person, other than a person
63 exempted from the additional fee pursuant to subsection 7 of this section, that
64 desires a personalized special license plate from any such category shall pay the
65 same additional fee and make the same kind of application as that required by
66 subsection 1 of this section, and the director shall issue such plates in the same
67 manner as other personalized special license plates are issued.

68 5. The director of revenue shall issue to residents of the state of Missouri
69 who hold an unrevoked and unexpired official amateur radio license issued by the
70 Federal Communications Commission, upon application and upon payment of the
71 additional fee specified in subsection 1 of this section, except for a person
72 exempted from the additional fee pursuant to subsection 7 of this section,
73 personalized special license plates bearing the official amateur radio call letters
74 assigned by the Federal Communications Commission to the applicant with the
75 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The
76 application shall be accompanied by a statement stating that the applicant has
77 an unrevoked and unexpired amateur radio license issued by the Federal
78 Communications Commission and the official radio call letters assigned by the
79 Federal Communications Commission to the applicant. An owner making a new
80 application and paying a new fee to retain an amateur radio plate may request
81 a replacement plate with the words "AMATEUR RADIO" in place of the words
82 "SHOW-ME STATE". If application is made to retain a plate that is three years
83 old or older, the replacement plate shall be issued upon the payment of required
84 fees.

85 6. Notwithstanding any other provision to the contrary, any business that
86 repossesses motor vehicles or trailers and sells or otherwise disposes of them
87 shall be issued a placard displaying the word "Repossessed", provided such
88 business pays the fees presently required of a manufacturer, distributor, or dealer
89 in subsection 1 of section [301.253] **301.560**. Such placard shall bear a number
90 and shall be in such form as the director of revenue shall determine, and shall be

91 only used for demonstrations when displayed substantially as provided for
92 number plates on the rear of the motor vehicle or trailer.

93 7. Notwithstanding any provision of law to the contrary, any person who
94 has retired from any branch of the United States armed forces or reserves, the
95 United States Coast Guard or reserve, the United States Merchant Marines or
96 reserve, the National Guard, or any subdivision of any such services shall be
97 exempt from the additional fee required for personalized license plates issued
98 pursuant to section 301.441. As used in this subsection, "retired" means having
99 served twenty or more years in the appropriate branch of service and having
100 received an honorable discharge.

301.150. 1. License plates issued to owners of motor vehicles registered
2 pursuant to the monthly series system of registration as provided in section
3 301.030 shall be removed on the sale or transfer of ownership of such
4 vehicles. The plates, if still current, may thereafter be retained and preserved
5 by the person to whom issued, to be fastened to such other motor vehicles as such
6 person shall thereafter register in the person's name.

7 2. If application for registration of another motor vehicle is not made to
8 the director of revenue within one year following the sale or transfer of ownership
9 of a motor vehicle, the license plates held by the person who sold or transferred
10 ownership of such motor vehicle shall be declared void, and new license plates
11 bearing the same numbers may be issued to another registrant.

12 3. It shall be unlawful to fasten voided plates to any motor
13 vehicle. Violation of this section shall be [deemed a class C misdemeanor]
14 **punishable under section 301.440.**

301.310. 1. Whenever a law enforcement officer observes a plate to be in
2 such condition as to hinder or make difficult identification of same, he shall notify
3 the director of revenue and instruct the owner to apply for a duplicate plate.

4 2. If the owner has not made application within fifteen days, the director
5 of revenue may cancel such registration and notify the registrant and such
6 cancellation shall remain in force until the application has been filed.

7 3. The director of revenue may at his discretion replace worn plates
8 without cost to the registrant.

9 4. Failure to surrender a mutilated or worn plate for which duplicate has
10 been issued shall [be deemed a misdemeanor] **punishable under section**
11 **301.440.**

301.420. No person shall willfully or knowingly make a false statement

2 in any application for the registration of a motor vehicle or trailer, or as a dealer,
3 or in an application for or assignment of a certificate of ownership. All blanks or
4 forms issued by the director of revenue for the purpose of making application for
5 registration of certificate of ownership shall conspicuously bear on the face
6 thereof the following words: "Any false statement in this application is a
7 violation of the law and may be punished by fine or imprisonment or
8 both". **Violation of this section shall be a class C misdemeanor.**

301.440. Any person who violates any provision of sections 301.010 to
2 301.440 for which no specific punishment is provided shall upon [conviction] a
3 **plea or finding of guilt** thereof be [punished] **guilty of an infraction**
4 **punishable** by a fine of not less than five dollars or more than five hundred
5 dollars [or by imprisonment in the county jail for a term not exceeding one year,
6 or by both the fine and imprisonment].

301.560. 1. In addition to the application forms prescribed by the
2 department, each applicant shall submit the following to the department:

3 (1) Every application other than a renewal application for a motor vehicle
4 franchise dealer shall include a certification that the applicant has a bona fide
5 established place of business. When the application is being made for licensure
6 as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer,
7 wholesale motor vehicle auction or a public motor vehicle auction, certification
8 shall be performed by a uniformed member of the Missouri state highway patrol
9 stationed in the troop area in which the applicant's place of business is located;
10 except, that in counties of the first classification, certification may be performed
11 by an officer of a metropolitan police department when the applicant's established
12 place of business of distributing or selling motor vehicles or trailers is in the
13 metropolitan area where the certifying metropolitan police officer is
14 employed. When the application is being made for licensure as a boat
15 manufacturer or boat dealer, certification shall be performed by a uniformed
16 member of the Missouri state water patrol stationed in the district area in which
17 the applicant's place of business is located or by a uniformed member of the
18 Missouri state highway patrol stationed in the troop area in which the applicant's
19 place of business is located or, if the applicant's place of business is located
20 within the jurisdiction of a metropolitan police department in a first class county,
21 by an officer of such metropolitan police department. A bona fide established
22 place of business for any new motor vehicle franchise dealer or used motor vehicle
23 dealer shall include a permanent enclosed building or structure, either owned in

24 fee or leased and actually occupied as a place of business by the applicant for the
25 selling, bartering, trading or exchanging of motor vehicles or trailers and wherein
26 the public may contact the owner or operator at any reasonable time, and wherein
27 shall be kept and maintained the books, records, files and other matters required
28 and necessary to conduct the business. The applicant's place of business shall
29 contain a working telephone which shall be maintained during the entire
30 registration year. In order to qualify as a bona fide established place of business
31 for all applicants licensed pursuant to this section there shall be an exterior sign
32 displayed carrying the name of the business set forth in letters at least six inches
33 in height and clearly visible to the public and there shall be an area or lot which
34 shall not be a public street on which one or more vehicles may be displayed,
35 except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall
36 not be required. The sign shall contain the name of the dealership by which it
37 is known to the public through advertising or otherwise, which need not be
38 identical to the name appearing on the dealership's license so long as such name
39 is registered as a fictitious name with the secretary of state, has been approved
40 by its line-make manufacturer in writing in the case of a new motor vehicle
41 franchise dealer and a copy of such fictitious name registration has been provided
42 to the department. When licensure is for a boat dealer, a lot shall not be
43 required. In the case of new motor vehicle franchise dealers, the bona fide
44 established place of business shall include adequate facilities, tools and personnel
45 necessary to properly service and repair motor vehicles and trailers under their
46 franchisor's warranty;

47 (2) If the application is for licensure as a manufacturer, boat
48 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer,
49 wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a
50 photograph, not to exceed eight inches by ten inches, showing the business
51 building and sign shall accompany the initial application. In the case of a
52 manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer,
53 the photograph shall include the lot of the business. A new motor vehicle
54 franchise dealer applicant who has purchased a currently licensed new motor
55 vehicle franchised dealership shall be allowed to submit a photograph of the
56 existing dealership building, lot and sign but shall be required to submit a new
57 photograph upon the installation of the new dealership sign as required by
58 sections 301.550 to 301.573. Applicants shall not be required to submit a
59 photograph annually unless the business has moved from its previously licensed

60 location, or unless the name of the business or address has changed, or unless the
61 class of business has changed;

62 (3) If the application is for licensure as a wholesale motor vehicle dealer
63 or as a boat dealer, the application shall contain the business address, not a post
64 office box, and telephone number of the place where the books, records, files and
65 other matters required and necessary to conduct the business are located and
66 where the same may be inspected during normal daytime business
67 hours. Wholesale motor vehicle dealers and boat dealers shall file reports as
68 required of new franchised motor vehicle dealers and used motor vehicle dealers;

69 (4) Every applicant as a new motor vehicle franchise dealer, a used motor
70 vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with
71 the application a corporate surety bond or an irrevocable letter of credit as
72 defined in section 400.5-103, RSMo, issued by any state or federal financial
73 institution in the penal sum of twenty-five thousand dollars on a form approved
74 by the department. The bond or irrevocable letter of credit shall be conditioned
75 upon the dealer complying with the provisions of the statutes applicable to new
76 motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor
77 vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss
78 sustained by reason of the acts of the person bonded when such acts constitute
79 grounds for the suspension or revocation of the dealer's license. The bond shall
80 be executed in the name of the state of Missouri for the benefit of all aggrieved
81 parties or the irrevocable letter of credit shall name the state of Missouri as the
82 beneficiary; except, that the aggregate liability of the surety or financial
83 institution to the aggrieved parties shall, in no event, exceed the amount of the
84 bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter
85 of credit shall be paid upon receipt by the department of a final judgment from
86 a Missouri court of competent jurisdiction against the principal and in favor of
87 an aggrieved party;

88 (5) Payment of all necessary license fees as established by the
89 department. In establishing the amount of the annual license fees, the
90 department shall, as near as possible, produce sufficient total income to offset
91 operational expenses of the department relating to the administration of sections
92 301.550 to 301.573. All fees payable pursuant to the provisions of sections
93 301.550 to 301.573, other than those fees collected for the issuance of dealer
94 plates or certificates of number collected pursuant to subsection 6 of this section,
95 shall be collected by the department for deposit in the state treasury to the credit

96 of the "Motor Vehicle Commission Fund", which is hereby created. The motor
 97 vehicle commission fund shall be administered by the Missouri department of
 98 revenue. The provisions of section 33.080, RSMo, to the contrary
 99 notwithstanding, money in such fund shall not be transferred and placed to the
 100 credit of the general revenue fund until the amount in the motor vehicle
 101 commission fund at the end of the biennium exceeds two times the amount of the
 102 appropriation from such fund for the preceding fiscal year or, if the department
 103 requires permit renewal less frequently than yearly, then three times the
 104 appropriation from such fund for the preceding fiscal year. The amount, if any,
 105 in the fund which shall lapse is that amount in the fund which exceeds the
 106 multiple of the appropriation from such fund for the preceding fiscal year.

107 2. In the event a new manufacturer, boat manufacturer, motor vehicle
 108 dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle
 109 auction or a public motor vehicle auction submits an application for a license for
 110 a new business and the applicant has complied with all the provisions of this
 111 section, the department shall make a decision to grant or deny the license to the
 112 applicant within eight working hours after receipt of the dealer's application,
 113 notwithstanding any rule of the department.

114 3. Upon the initial issuance of a license by the department, the
 115 department shall assign a distinctive dealer license number or certificate of
 116 number to the applicant and the department shall issue one number plate or
 117 certificate bearing the distinctive dealer license number or certificate of number
 118 within eight working hours after presentment of the application. Upon the
 119 renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer,
 120 public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor
 121 vehicle auction, the department shall issue the distinctive dealer license number
 122 or certificate of number as quickly as possible. The issuance of such distinctive
 123 dealer license number or certificate of number shall be in lieu of registering each
 124 motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat
 125 manufacturer, manufacturer, public motor vehicle auction, wholesale motor
 126 vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

127 4. Notwithstanding any other provision of the law to the contrary, the
 128 department shall assign the following distinctive dealer license numbers to:

- 129 New motor vehicle franchise dealers
- 130 **and manufacturers** D-0 through [D-999] **D-1999**
- 131 [New motor vehicle franchise and commercial

168 renewal shall not be prorated.

169 7. The plates issued pursuant to subsection 3 or 6 of this section may be
170 displayed on any motor vehicle owned and held for resale by the motor vehicle
171 dealer or manufacturer, and used by a customer who is test driving the motor
172 vehicle, or is used by an employee or officer, but shall not be displayed on any
173 motor vehicle or trailer hired or loaned to others or upon any regularly used
174 service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
175 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

176 8. The certificates of number issued pursuant to subsection 3 or 6 of this
177 section may be displayed on any vessel or vessel trailer owned and held for resale
178 by a boat manufacturer or a boat dealer, and used by a customer who is test
179 driving the vessel or vessel trailer, or is used by an employee or officer, but shall
180 not be displayed on any vessel or vessel trailer hired or loaned to others or upon
181 any regularly used service vessel or vessel trailer. Boat dealers and
182 manufacturers may display their certificate of number on a vessel or vessel trailer
183 which is being transported to an exhibit or show.

 301.716. 1. **Any violation of the provisions of sections 301.700 to**
2 **301.714 shall be an infraction.** An arrest or service of summons for
3 violations of the provisions of sections 301.700 to 301.714 and section 577.065,
4 RSMo, or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as
5 such provisions relate to all-terrain vehicles may be made by the duly authorized
6 law enforcement officer of any political subdivision of the state, the highway
7 patrol and the state water patrol.

8 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo,
9 or the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such
10 provisions relate to all-terrain vehicles or any rule or order hereunder may be
11 referred to the proper prosecuting attorney or circuit attorney who may, with or
12 without such reference, institute appropriate [criminal] proceedings.

13 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or
14 the provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such
15 provisions relate to all-terrain vehicles limits the power of the state to punish any
16 person for any conduct which constitutes a crime by statute or at common law.

301.2998. Notwithstanding any other provisions of this chapter,
2 **which establishes the issuance of a specialty plate, if no applications**
3 **for such plate have been received within five years from the effective**
4 **date of the section authorizing the plate, then the department of**

5 **revenue no longer will be required to accept applications and issue**
6 **such plate.**

302.545. 1. Any person who is less than twenty-one years of age and
2 whose driving privilege has been suspended or revoked, for a first determination
3 under sections 302.500 to 302.540, that such person was driving with
4 two-hundredths of one percent of blood alcohol content, shall have all official
5 records and all recordations maintained by the department of revenue of such
6 suspension or revocation expunged two years after the date of such suspension
7 or revocation, or when such person attains the age of twenty-one, whichever date
8 first occurs. Such expungement shall be performed by the department of revenue
9 without need of a court order. No records shall be expunged if the person was
10 found guilty or pled guilty to operating a commercial motor vehicle, as defined in
11 section 302.700, **or if the person was holding a commercial driver's**
12 **license at the time of the offense** with a blood alcohol content of at least
13 four-hundredths of one percent.

14 2. The provisions of this section shall not apply to any person whose
15 license is suspended or revoked for a second or subsequent time pursuant to
16 subsection 1 of this section or who is convicted of any alcohol-related driving
17 offense before the age of twenty-one including, but not limited to:

- 18 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or
19 (2) Driving with excessive blood alcohol content pursuant to section
20 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty
41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor
48 vehicle by a state as the result of a violation of federal, state, county, municipal,
49 or local law relating to motor vehicle traffic control or violations committed
50 through the operation of motor vehicles, other than parking, vehicle weight, or

51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration
53 that a person is not qualified to operate a commercial motor vehicle under 49
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one
60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of
62 four one-hundredths of a percent or more as prescribed by the secretary or such
63 other alcohol concentration as may be later determined by the secretary by
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while
66 intoxicated in violation of any federal or state law, or in violation of a county or
67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive
69 blood alcohol content in violation of any federal or state law, or in violation of a
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,
72 RSMo, section 302.750, any federal or state law, or a county or municipal
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement
75 contact, as defined in subsection 3 of section 302.525; provided that any
76 suspension or revocation pursuant to section 302.505, committed in a
77 noncommercial motor vehicle by an individual twenty-one years of age or older
78 shall have been committed by the person with an alcohol concentration of at least
79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the
88 influence of any substance so classified under Section 102(6) of the Controlled
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a
92 drugged condition in violation of any federal or state law or in violation of a
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,
95 RSMo, section 302.750, any federal or state law, or a county or municipal
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a
98 political subdivision of a state, who owns or leases a commercial motor vehicle or
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, within one hundred fifty
103 miles of the farm, other than one which requires placarding for hazardous
104 materials as defined in this section, or used in the operation of a common or
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor
106 vehicle when the total combined gross weight rating does not exceed twenty-six
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In
115 the absence of a value specified by the manufacturer, GCWR will be determined
116 by adding the GVWR of the power unit and the total weight of the towed unit and
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et
122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,

123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not
124 be considered hazardous materials when transported by a farm vehicle provided
125 all other provisions of this definition are followed;

126 (22) "Imminent hazard", the existence of a condition that presents a
127 substantial likelihood that death, serious illness, severe personal injury, or a
128 substantial endangerment to health, property, or the environment may occur
129 before the reasonably foreseeable completion date of a formal proceeding begins
130 to lessen the risk of that death, illness, injury, or endangerment;

131 (23) "Issuance", the initial licensure, license transfers, license renewals,
132 and license upgrades;

133 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
134 upon tracks;

135 (25) "Noncommercial motor vehicle", a motor vehicle or combination of
136 motor vehicles not defined by the term "commercial motor vehicle" in this section;

137 (26) "Out of service", a temporary prohibition against the operation of a
138 commercial motor vehicle by a particular driver, or the operation of a particular
139 commercial motor vehicle, or the operation of a particular motor carrier;

140 (27) "Out-of-service order", a declaration by the Federal Highway
141 Administration, or any authorized enforcement officer of a federal, state,
142 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that
143 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
144 service;

145 (28) "School bus", a commercial motor vehicle used to transport
146 preprimary, primary, or secondary school students from home to school, from
147 school to home, or to and from school-sponsored events. School bus does not
148 include a bus used as a common carrier as defined by the Secretary;

149 (29) "Secretary", the Secretary of Transportation of the United States;

150 (30) "Serious traffic violation", driving a commercial motor vehicle in such
151 a manner that the driver receives a conviction for the following offenses or driving
152 a noncommercial motor vehicle when the driver receives a conviction for the
153 following offenses and the conviction results in the suspension or revocation of
154 the driver's license or noncommercial motor vehicle driving privilege:

155 (a) Excessive speeding, as defined by the Secretary by regulation;

156 (b) Careless, reckless or imprudent driving which includes, but shall not
157 be limited to, any violation of section 304.016, RSMo, any violation of section
158 304.010, RSMo, or any other violation of federal or state law, or any county or

159 municipal ordinance while driving a commercial motor vehicle in a willful or
160 wanton disregard for the safety of persons or property, or improper or erratic
161 traffic lane changes, or following the vehicle ahead too closely, but shall not
162 include careless and imprudent driving by excessive speed;

163 (c) A violation of any federal or state law or county or municipal ordinance
164 regulating the operation of motor vehicles arising out of an accident or collision
165 which resulted in death to any person, other than a parking violation;

166 (d) Driving a commercial motor vehicle without obtaining a commercial
167 driver's license in violation of any federal or state or county or municipal
168 ordinance;

169 (e) Driving a commercial motor vehicle without a commercial driver's
170 license in the driver's possession in violation of any federal or state or county or
171 municipal ordinance. Any individual who provides proof to the court which has
172 jurisdiction over the issued citation that the individual held a valid commercial
173 driver's license on the date that the citation was issued shall not be guilty of this
174 offense;

175 (f) Driving a commercial motor vehicle without the proper commercial
176 driver's license class or endorsement for the specific vehicle group being operated
177 or for the passengers or type of cargo being transported in violation of any federal
178 or state law or county or municipal ordinance; or

179 (g) Any other violation of a federal or state law or county or municipal
180 ordinance regulating the operation of motor vehicles, other than a parking
181 violation, as prescribed by the secretary by regulation;

182 (31) "State", a state, territory or possession of the United States, the
183 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province
184 of Canada;

185 (32) "United States", the fifty states and the District of Columbia.

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance;

5 (2) Driving a commercial motor vehicle which causes a fatality through
6 the negligent operation of the commercial motor vehicle, including but not limited
7 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
8 homicide;

9 (3) Driving a commercial motor vehicle while revoked pursuant to section

10 302.727;

11 (4) Leaving the scene of an accident involving a commercial or
12 noncommercial motor vehicle operated by the person;

13 (5) Using a commercial or noncommercial motor vehicle in the commission
14 of any felony, as defined in section 302.700, except a felony as provided in
15 subsection 4 of this section.

16 2. If any of the violations described in subsection 1 of this section occur
17 while transporting a hazardous material the person is disqualified for a period
18 of not less than three years.

19 3. Any person is disqualified from operating a commercial motor vehicle
20 for life if convicted of two or more violations of any of the offenses specified in
21 subsection 1 of this section, or any combination of those offenses, arising from two
22 or more separate incidents. The director may issue rules and regulations, in
23 accordance with guidelines established by the secretary, under which a
24 disqualification for life under this section may be reduced to a period of not less
25 than ten years.

26 4. Any person is disqualified from driving a commercial motor vehicle for
27 life who uses a commercial or noncommercial motor vehicle in the commission of
28 any felony involving the manufacture, distribution, or dispensing of a controlled
29 substance, or possession with intent to manufacture, distribute, or dispense a
30 controlled substance.

31 5. Any person is disqualified from operating a commercial motor vehicle
32 for a period of not less than sixty days if convicted of two serious traffic violations
33 or one hundred twenty days if convicted of three serious traffic violations, arising
34 from separate incidents occurring within a three-year period.

35 6. Any person found to be operating a commercial motor vehicle while
36 having any measurable alcohol concentration shall immediately be issued a
37 continuous twenty-four-hour out-of-service order by a law enforcement officer in
38 this state.

39 7. Any person who is convicted of operating a commercial motor vehicle
40 beginning at the time of issuance of the out-of-service order until its expiration
41 is guilty of a class A misdemeanor.

42 8. Any person convicted for the first time of driving while out of service
43 shall be disqualified from driving a commercial motor vehicle for a period of
44 ninety days.

45 9. Any person convicted of driving while out of service on a second

46 occasion during any ten-year period, involving separate incidents, shall be
47 disqualified for a period of one year.

48 10. Any person convicted of driving while out of service on a third or
49 subsequent occasion during any ten-year period, involving separate incidents,
50 shall be disqualified for a period of three years.

51 11. Any person convicted of a first violation of an out-of-service order
52 while transporting hazardous materials or while operating a motor vehicle
53 designed to transport sixteen or more passengers, including the driver, is
54 disqualified for a period of one hundred eighty days.

55 12. Any person convicted of any subsequent violation of an out-of-service
56 order in a separate incident within ten years after a previous violation, while
57 transporting hazardous materials or while operating a motor vehicle designed to
58 transport fifteen passengers, including the driver, is disqualified for a period of
59 three years.

60 13. Any person convicted of any other offense as specified by regulations
61 promulgated by the Secretary of Transportation shall be disqualified in
62 accordance with such regulations.

63 14. After suspending, revoking, canceling or disqualifying a driver, the
64 director shall update records to reflect such action and notify a nonresident's
65 licensing authority and the commercial driver's license information system within
66 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the
67 Secretary.

68 15. Any person disqualified from operating a commercial motor vehicle
69 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
70 driver's license canceled, and upon conclusion of the period of disqualification
71 shall take the written and driving tests and meet all other requirements of
72 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
73 withdrawn by the director until such person reapplies for a commercial driver's
74 license in this or any other state after meeting all requirements of sections
75 302.700 to 302.780.

76 16. The director shall disqualify a driver upon receipt of notification that
77 the Secretary has determined a driver to be an imminent hazard pursuant to 49
78 CFR, Part 383.52. Due process of a disqualification determined by the Secretary
79 pursuant to this section shall be held in accordance with regulations promulgated
80 by the Secretary. The period of disqualification determined by the Secretary
81 pursuant to this section shall be served concurrently to any other period of

82 disqualification which may be imposed by the director pursuant to this
83 section. Both disqualifications shall appear on the driving record of the driver.

84 **17. The director shall disqualify a commercial license holder or**
85 **operator of a commercial vehicle from operation of any commercial**
86 **motor vehicle upon receipt of a conviction for an offense of failure to**
87 **appear or pay, and such disqualification shall remain in effect until the**
88 **director receives notice that the person has complied with the**
89 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and
4 national guard on active duty, including personnel on full-time national guard
5 duty, personnel on part-time training and national guard military technicians,
6 while driving [military] vehicles for military purposes;
- 7 (3) Any person who drives emergency or fire equipment necessary to the
8 preservation of life or property or the execution of emergency governmental
9 functions under emergency conditions;
- 10 (4) Any person qualified to operate the equipment under subdivision (3)
11 of this section when operating such equipment in other functions such as parades,
12 special events, repair, service or other authorized movements;
- 13 (5) Any person driving or pulling a recreational vehicle, as defined in
14 sections 301.010 and 700.010, RSMo, for personal use; and
- 15 (6) Any other class of persons exempted by rule or regulation of the
16 director, which rule or regulation is in compliance with the Commercial Motor
17 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that
18 act.

304.070. 1. Any person who violates any of the provisions of subsections
2 1, 3, and 6 of sections 304.050 is guilty of a class A misdemeanor. In addition,
3 beginning July 1, 2005, the court may suspend the driver's license of any person
4 who violates the provision of subsection 1 of section 304.050. If ordered by the
5 court, the director shall suspend the driver's license for ninety days for a first
6 offense of subsection 1 of section 304.050, and one hundred twenty days for a
7 second or subsequent offense of subsection 1 of section 304.050. **Any person**
8 **who violates subsection 1 of section 304.050 where such violation**
9 **results in the injury of any child shall be guilty of a class D felony. Any**
10 **person who violates subsection 1 of section 304.050 where such**

11 **violation causes the death of any child shall be guilty of a class C**
12 **felony.**

13 2. Any appeal of a suspension imposed under subsection 1 of this section
14 shall be a direct appeal of the court order and subject to review by the presiding
15 judge of the circuit court or another judge within the circuit other than the judge
16 who issued the original order to suspend the driver's license. The director of
17 revenue's entry of the court-ordered suspension on the driving record is not a
18 decision subject to review pursuant to section 302.311, RSMo. Any suspension of
19 the driver's license ordered by the court under this section shall be in addition to
20 any other suspension that may occur as a result of the conviction pursuant to
21 other provisions of law.

304.155. 1. Any law enforcement officer within the officer's jurisdiction,
2 or an officer of a government agency where that agency's real property is
3 concerned, may authorize a towing company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left
6 unattended for ten hours, or immediately if a law enforcement officer determines
7 that the abandoned property is a serious hazard to other motorists, provided that
8 commercial motor vehicles not hauling materials designated as hazardous under
9 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety
10 until the owner or owner's representative has had a reasonable opportunity to
11 contact a towing company of choice;

12 (b) Any interstate highway or freeway outside of an urbanized area, left
13 unattended for forty-eight hours, or after four hours if a law enforcement officer
14 determines that the abandoned property is a serious hazard to other motorists,
15 provided that commercial motor vehicles not hauling materials designated as
16 hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
17 to a place of safety until the owner or owner's representative has had a
18 reasonable opportunity to contact a towing company of choice;

19 (c) Any state highway other than an interstate highway or freeway in an
20 urbanized area, left unattended for more than ten hours; or

21 (d) Any state highway other than an interstate highway or freeway
22 outside of an urbanized area, left unattended for more than forty-eight hours;
23 provided that commercial motor vehicles not hauling waste designated as
24 hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
25 to a place of safety until the owner or owner's representative has had a

26 reasonable opportunity to contact a towing company of choice;

27 (2) Any unattended abandoned property illegally left standing upon any
28 highway or bridge if the abandoned property is left in a position or under such
29 circumstances as to obstruct the normal movement of traffic where there is no
30 reasonable indication that the person in control of the property is arranging for
31 its immediate control or removal;

32 (3) Any abandoned property which has been abandoned under section
33 577.080, RSMo;

34 (4) Any abandoned property which has been reported as stolen or taken
35 without consent of the owner;

36 (5) Any abandoned property for which the person operating such property
37 is arrested for an alleged offense for which the officer is required to take the
38 person into custody and where such person is unable to arrange for the property's
39 timely removal;

40 (6) Any abandoned property which due to any other state law or local
41 ordinance is subject to towing because of the owner's outstanding traffic or
42 parking violations;

43 (7) Any abandoned property left unattended in violation of a state law or
44 local ordinance where signs have been posted giving notice of the law or where
45 the violation causes a safety hazard; or

46 (8) Any abandoned property illegally left standing on the waters of this
47 state as defined in section 306.010, RSMo, where the abandoned property is
48 obstructing the normal movement of traffic, or where the abandoned property has
49 been unattended for more than ten hours or is floating loose on the water.

50 2. The state transportation department may immediately remove any
51 abandoned, unattended, wrecked, burned or partially dismantled property, spilled
52 cargo or other personal property from the roadway of any state highway if the
53 abandoned property, cargo or personal property is creating a traffic hazard
54 because of its position in relation to the state highway. **Whenever a tow truck**
55 **operator or tow company removes any abandoned property at the**
56 **request of the state transportation department or any law enforcement**
57 **officer, then the tow truck operator or tow company may submit**
58 **reasonable tow and storage charges, not to exceed three hundred**
59 **dollars per incident, for payment from the entity requesting removal of**
60 **the abandoned property.** In the event the property creating a traffic hazard
61 is a commercial motor vehicle, as defined in section 302.700, RSMo, the

62 department's authority under this subsection shall be limited to authorizing a
63 towing company to remove the commercial motor vehicle to a place of safety,
64 except that the owner of the commercial motor vehicle or the owner's designated
65 representative shall have a reasonable opportunity to contact a towing company
66 of choice. The provisions of this subsection shall not apply to vehicles
67 transporting any material which has been designated as hazardous under Section
68 5103(a) of Title 49, U.S.C.

69 3. Any law enforcement agency authorizing a tow pursuant to this section
70 in which the abandoned property is moved from the immediate vicinity shall
71 complete a crime inquiry and inspection report. Any state or federal government
72 agency other than a law enforcement agency authorizing a tow pursuant to this
73 section in which the abandoned property is moved away from the immediate
74 vicinity in which it was abandoned shall report the towing to the state highway
75 patrol or water patrol within two hours of the tow along with a crime inquiry and
76 inspection report as required in this section. Any local government agency, other
77 than a law enforcement agency, authorizing a tow pursuant to this section where
78 property is towed away from the immediate vicinity shall report the tow to the
79 local law enforcement agency within two hours along with a crime inquiry and
80 inspection report.

81 4. Neither the law enforcement officer, government agency official nor
82 anyone having custody of abandoned property under his direction shall be liable
83 for any damage to such abandoned property occasioned by a removal authorized
84 by this section or by ordinance of a county or municipality licensing and
85 regulating the sale of abandoned property by the municipality, other than
86 damages occasioned by negligence or by willful or wanton acts or omissions.

87 5. The owner of abandoned property removed as provided in this section
88 or in section 304.157 shall be responsible for payment of all reasonable charges
89 for towing and storage of such abandoned property as provided in section 304.158.

90 6. Upon the towing of any abandoned property pursuant to this section or
91 under authority of a law enforcement officer or local government agency pursuant
92 to section 304.157, the law enforcement agency that authorized such towing or
93 was properly notified by another government agency of such towing shall
94 promptly make an inquiry with the national crime information center and any
95 statewide Missouri law enforcement computer system to determine if the
96 abandoned property has been reported as stolen and shall enter the information
97 pertaining to the towed property into the statewide law enforcement computer

98 system. If the abandoned property is not claimed within ten working days of the
99 towing, the tower who has online access to the department of revenue's records
100 shall make an inquiry to determine the abandoned property owner and lienholder,
101 if any, of record. In the event that the records of the department of revenue fail
102 to disclose the name of the owner or any lienholder of record, the tower shall
103 comply with the requirements of subsection 3 of section 304.156. If the tower
104 does not have online access, the law enforcement agency shall submit a crime
105 inquiry and inspection report to the director of revenue. A towing company that
106 does not have online access to the department's records and that is in possession
107 of abandoned property after ten working days shall report such fact to the law
108 enforcement agency with which the crime inquiry and inspection report was
109 filed. The crime inquiry and inspection report shall be designed by the director
110 of revenue and shall include the following:

111 (1) The year, model, make and property identification number of the
112 property and the owner and any lienholders, if known;

113 (2) A description of any damage to the property noted by the officer
114 authorizing the tow;

115 (3) The license plate or registration number and the state of issuance, if
116 available;

117 (4) The storage location of the towed property;

118 (5) The name, telephone number and address of the towing company;

119 (6) The date, place and reason for the towing of the abandoned property;

120 (7) The date of the inquiry of the national crime information center, any
121 statewide Missouri law enforcement computer system and any other similar
122 system which has titling and registration information to determine if the
123 abandoned property had been stolen. This information shall be entered only by
124 the law enforcement agency making the inquiry;

125 (8) The signature and printed name of the officer authorizing the tow;
126 [and]

127 (9) The name of the towing company, the signature and printed name of
128 the towing operator, and an indicator disclosing whether the tower has online
129 access to the department's records; **and**

130 (10) Any additional information the director of revenue deems
131 appropriate.

132 7. One copy of the crime inquiry and inspection report shall remain with
133 the agency which authorized the tow. One copy shall be provided to and retained

134 by the storage facility and one copy shall be retained by the towing facility in an
135 accessible format in the business records for a period of three years from the date
136 of the tow or removal.

137 8. The owner of such abandoned property, or the holder of a valid security
138 interest of record, may reclaim it from the towing company upon proof of
139 ownership or valid security interest of record and payment of all reasonable
140 charges for the towing and storage of the abandoned property. **The registered
141 owner or owner's agent claiming abandoned property under this
142 chapter shall present a copy of the most recent registration receipt or
143 title for the abandoned property to the appropriate law enforcement
144 agency or towing company before the property is released; except that,
145 an insurance company or holder of a valid security interest of record
146 shall not be required to present a copy of the most recent registration
147 receipt or title to claim such abandoned property.**

148 9. Any person who removes abandoned property at the direction of a law
149 enforcement officer or an officer of a government agency where that agency's real
150 property is concerned as provided in this section shall have a lien for all
151 reasonable charges for the towing and storage of the abandoned property until
152 possession of the abandoned property is voluntarily relinquished to the owner of
153 the abandoned property or to the holder of a valid security interest of
154 record. Any personal property within the abandoned property need not be
155 released to the owner thereof until the reasonable or agreed charges for such
156 recovery, transportation or safekeeping have been paid or satisfactory
157 arrangements for payment have been made, except that any medication
158 prescribed by a physician shall be released to the owner thereof upon
159 request. The company holding or storing the abandoned property shall either
160 release the personal property to the owner of the abandoned property or allow the
161 owner to inspect the property and provide an itemized receipt for the
162 contents. The company holding or storing the property shall be strictly liable for
163 the condition and safe return of the personal property. Such lien shall be
164 enforced in the manner provided under section 304.156.

165 10. Towing companies shall keep a record for three years on any
166 abandoned property towed and not reclaimed by the owner of the abandoned
167 property. Such record shall contain information regarding the authorization to
168 tow, copies of all correspondence with the department of revenue concerning the
169 abandoned property, including copies of any online records of the towing company

170 accessed and information concerning the final disposition of the possession of the
171 abandoned property.

172 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain
173 vehicle, outboard motor or vessel without the knowledge or cooperation of the
174 owner, then the reposessor shall notify the local law enforcement agency where
175 the repossession occurred within two hours of the repossession and shall further
176 provide the local law enforcement agency with any additional information the
177 agency deems appropriate. The local law enforcement agency shall make an
178 inquiry with the national crime information center and the Missouri statewide
179 law enforcement computer system and shall enter the repossessed vehicle into the
180 statewide law enforcement computer system.

181 12. Notwithstanding the provisions of section 301.227, RSMo, any towing
182 company who has complied with the notification provisions in section 304.156
183 including notice that any property remaining unredeemed after thirty days may
184 be sold as scrap property may then dispose of such property as provided in this
185 subsection. Such sale shall only occur if at least thirty days has passed since the
186 date of such notification, the abandoned property remains unredeemed with no
187 satisfactory arrangements made with the towing company for continued storage,
188 and the owner or holder of a security agreement has not requested a hearing as
189 provided in section 304.156. The towing company may dispose of such abandoned
190 property by selling the property on a bill of sale as prescribed by the director of
191 revenue to a scrap metal operator or licensed salvage dealer for destruction
192 purposes only. The towing company shall forward a copy of the bill of sale
193 provided by the scrap metal operator or licensed salvage dealer to the director of
194 revenue within two weeks of the date of such sale. The towing company shall
195 keep a record of each such vehicle sold for destruction for three years [that] **and**
196 **such records** shall be available for inspection by law enforcement and
197 authorized department of revenue officials. The record shall contain the year,
198 make, identification number of the property, date of sale, and name of the
199 purchasing scrap metal operator or licensed salvage dealer and copies of all
200 notifications issued by the towing company as required in this [chapter]
201 **section**. Scrap metal operators or licensed salvage dealers shall keep a record
202 of the purchase of such property as provided in section 301.227, RSMo. Scrap
203 metal operators and licensed salvage dealers may obtain a junk certificate as
204 provided in section 301.227, RSMo, on vehicles purchased on a bill of sale
205 pursuant to this section. **Any sale under this subsection shall be excluded**

206 from the provisions of sections 301.196 to 301.198, RSMo.

304.170. 1. No vehicle operated upon the highways of this state shall
2 have a width, including load, in excess of ninety-six inches, except clearance
3 lights, rearview mirrors or other accessories required by federal, state or city law
4 or regulation; except that, vehicles having a width, including load, not in excess
5 of one hundred two inches, exclusive of clearance lights, rearview mirrors or other
6 accessories required by law or regulations, may be operated on the interstate
7 highways and such other highways as may be designated by the highways and
8 transportation commission for the operation of such vehicles plus a distance not
9 to exceed ten miles from such interstate or designated highway. Provided
10 however, a recreational vehicle as defined in section 700.010, RSMo, may exceed
11 the foregoing width limits if the appurtenances on such recreational vehicle
12 extend no further than the rearview mirrors. Such mirrors may only extend the
13 distance necessary to provide the required field of view before the appurtenances
14 were attached.

15 2. No vehicle operated upon the interstate highway system or upon any
16 route designated by the chief engineer of the state transportation department
17 shall have a height, including load, in excess of fourteen feet. On all other
18 highways, no vehicle shall have a height, including load, in excess of thirteen and
19 one-half feet, except that any vehicle or combination of vehicles transporting
20 automobiles or other motor vehicles may have a height, including load, of not
21 more than fourteen feet.

22 3. No single motor vehicle operated upon the highways of this state shall
23 have a length, including load, in excess of forty-five feet, except as otherwise
24 provided in this section.

25 4. No bus, recreational motor vehicle or trackless trolley coach operated
26 upon the highways of this state shall have a length in excess of forty-five feet,
27 except that such vehicles may exceed the forty-five feet length when such excess
28 length is caused by the projection of a front safety bumper or a rear safety
29 bumper or both. Such safety bumper shall not cause the length of the bus or
30 recreational motor vehicle to exceed the forty-five feet length limit by more than
31 one foot in the front and one foot in the rear. The term "safety bumper" means
32 any device which may be fitted on an existing bumper or which replaces the
33 bumper and is so constructed, treated, or manufactured that it absorbs energy
34 upon impact.

35 5. No combination of truck-tractor and semitrailer or truck-tractor

36 equipped with dromedary and semitrailer operated upon the highways of this
37 state shall have a length, including load, in excess of sixty feet; except that in
38 order to comply with the provisions of Title 23 of the United States Code (Public
39 Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor
40 equipped with dromedary and semitrailer operated upon the interstate highway
41 system of this state shall have an overall length, including load, in excess of the
42 length of the truck-tractor plus the semitrailer or truck-tractor equipped with
43 dromedary and semitrailer. The length of such semitrailer shall not exceed
44 fifty-three feet.

45 6. In order to comply with the provisions of Title 23 of the United States
46 Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer
47 operated upon the interstate highway system of this state shall have an overall
48 length, including load, in excess of the length of the truck-tractor plus the
49 semitrailer and trailer, neither of which semitrailer or trailer shall exceed
50 twenty-eight feet in length, except that any existing semitrailer or trailer up to
51 twenty-eight and one-half feet in length actually and lawfully operated on
52 December 1, 1982, within a sixty-five foot overall length limit in any state, may
53 continue to be operated upon the interstate highways of this state. On those
54 primary highways not designated by the state highways and transportation
55 commission as provided in subsection 10 of this section, no combination of
56 truck-tractor, semitrailer and trailer shall have an overall length, including load,
57 in excess of sixty-five feet; provided, however, the state highways and
58 transportation commission may designate additional routes for such sixty-five foot
59 combinations.

60 7. Automobile transporters, boat transporters, truck-trailer boat
61 transporter combinations, stinger-steered combination automobile transporters
62 and stinger-steered combination boat transporters having a length not in excess
63 of seventy-five feet may be operated on the interstate highways of this state and
64 such other highways as may be designated by the highways and transportation
65 commission for the operation of such vehicles plus a distance not to exceed ten
66 miles from such interstate or designated highway. All length provisions
67 regarding automobile or boat transporters, truck-trailer boat transporter
68 combinations and stinger-steered combinations shall include a semitrailer length
69 not to exceed fifty-three feet and are exclusive of front and rear overhang, which
70 shall be no greater than a three-foot front overhang and no greater than a
71 four-foot rear overhang.

72 8. Driveaway saddlemount combinations having a length not in excess of
73 [seventy-five] **ninety-seven** feet may be operated on the interstate highways of
74 this state and such other highways as may be designated by the highways and
75 transportation commission for the operation of such vehicles plus a distance not
76 to exceed ten miles from such interstate or designated highway. Saddlemount
77 combinations must comply with the safety requirements of Section 393.71 of Title
78 49 of the Code of Federal Regulations and may contain no more than three
79 saddlemounted vehicles and one fullmount.

80 9. No truck-tractor semitrailer-semitrailer combination vehicles operated
81 upon the interstate and designated primary highway system of this state shall
82 have a semitrailer length in excess of twenty-eight feet or twenty-eight and
83 one-half feet if the semitrailer was in actual and lawful operation in any state on
84 December 1, 1982, operating in a truck-tractor semitrailer-semitrailer
85 combination. The B-train assembly is excluded from the measurement of
86 semitrailer length when used between the first and second semitrailer of a
87 truck-tractor semitrailer-semitrailer combination, except that when there is no
88 semitrailer mounted to the B-train assembly, it shall be included in the length
89 measurement of the semitrailer.

90 10. The highways and transportation commission is authorized to
91 designate routes on the state highway system other than the interstate system
92 over which those combinations of vehicles of the lengths specified in subsections
93 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles
94 operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may
95 be operated at a distance not to exceed ten miles from the interstate system and
96 such routes as designated under the provisions of this subsection.

97 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section,
98 no other combination of vehicles operated upon the primary or interstate
99 highways of this state plus a distance of ten miles from a primary or interstate
100 highway shall have an overall length, unladen or with load, in excess of sixty-five
101 feet or in excess of fifty-five feet on any other highway, except the state highways
102 and transportation commission may designate additional routes for use by
103 sixty-five foot combinations, seventy-five foot stinger-steered combinations or
104 [seventy-five] **ninety-seven** foot saddlemount combinations. Any vehicle or
105 combination of vehicles transporting automobiles, boats or other motor vehicles
106 may carry a load which extends no more than three feet beyond the front and four
107 feet beyond the rear of the transporting vehicle or combination of vehicles.

108 12. (1) Except as hereinafter provided, these restrictions shall not apply
109 to agricultural implements operating occasionally on the highways for short
110 distances, or to self-propelled hay-hauling equipment or to implements of
111 husbandry, or to the movement of farm products as defined in section 400.9-109,
112 RSMo, or to vehicles temporarily transporting agricultural implements or
113 implements of husbandry or roadmaking machinery, or road materials or towing
114 for repair purposes vehicles that have become disabled upon the highways; or to
115 implement dealers delivering or moving farm machinery for repairs on any state
116 highway other than the interstate system.

117 (2) Implements of husbandry and vehicles transporting such machinery
118 or equipment and the movement of farm products as defined in section 400.9.109,
119 RSMo, may be operated occasionally for short distances on state highways when
120 operated between the hours of sunrise and sunset by a driver licensed as an
121 operator or chauffeur.

122 13. As used in this chapter the term "implements of husbandry" means
123 all self-propelled machinery operated at speeds of less than thirty miles per hour,
124 specifically designed for, or especially adapted to be capable of, incidental
125 over-the-road and primary offroad usage and used exclusively for the application
126 of commercial plant food materials or agricultural chemicals, and not specifically
127 designed or intended for transportation of such chemicals and materials.

128 14. The purpose of this section is to permit a single trip per day by the
129 implement of husbandry from the source of supply to a given farm.

130 15. Sludge disposal units may be operated on all state highways other
131 than the interstate system. Such units shall not exceed one hundred thirty-eight
132 inches in width and may be equipped with over-width tires. Such units shall
133 observe all axle weight limits. The chief engineer of the state transportation
134 department shall issue special permits for the movement of such disposal units
135 and may by such permits restrict the movements to specified routes, days and
136 hours.

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020, RSMo, shall
5 be moved or operated on any highway of this state having a greater weight than
6 the vehicle manufacturer's rating on a steering axle with the maximum weight
7 not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be

8 moved or operated on any state highway of this state having a greater weight
 9 than thirty-four thousand pounds on any tandem axle; the term "tandem axle"
 10 shall mean a group of two or more axles, arranged one behind another, the
 11 distance between the extremes of which is more than forty inches and not more
 12 than ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
 14 all wheels whose centers are included between two parallel transverse vertical
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
 17 state through any one axle or on any tandem axle, the total gross weight with
 18 load imposed by any group of two or more consecutive axles of any vehicle or
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth
 20 in the following table:

21 Distance in feet	27 Maximum load in pounds					
22 between the extremes	28 feet	2 axles	3 axles	4 axles	5 axles	6 axles
23 of any group of two or	29 4	34,000				
24 more consecutive axles,	30 5	34,000				
25 measured to the nearest	31 6	34,000				
26 foot, except where	32 7	34,000				
27 indicated otherwise	33 8	34,000	34,000			
	34 More than 8	38,000	42,000			
	35 9	39,000	42,500			
	36 10	40,000	43,500			
	37 11	40,000	44,000			
	38 12	40,000	45,000	50,000		
	39 13	40,000	45,500	50,500		
	40 14	40,000	46,500	51,500		
	41 15	40,000	47,000	52,000		

42	16	40,000	48,000	52,500	58,000	
43	17	40,000	48,500	53,500	58,500	
44	18	40,000	49,500	54,000	59,000	
45	19	40,000	50,000	54,500	60,000	
46	20	40,000	51,000	55,500	60,500	66,000
47	21	40,000	51,500	56,000	61,000	66,500
48	22	40,000	52,500	56,500	61,500	67,000
49	23	40,000	53,000	57,500	62,500	68,000
50	24	40,000	54,000	58,000	63,000	68,500
51	25	40,000	54,500	58,500	63,500	69,000
52	26	40,000	55,500	59,500	64,000	69,500
53	27	40,000	56,000	60,000	65,000	70,000
54	28	40,000	57,000	60,500	65,500	71,000
55	29	40,000	57,500	61,500	66,000	71,500
56	30	40,000	58,500	62,000	66,500	72,000
57	31	40,000	59,000	62,500	67,500	72,500
58	32	40,000	60,000	63,500	68,000	73,000
59	33	40,000	60,000	64,000	68,500	74,000
60	34	40,000	60,000	64,500	69,000	74,500
61	35	40,000	60,000	65,500	70,000	75,000
62	36		60,000	66,000	70,500	75,500
63	37		60,000	66,500	71,000	76,000
64	38		60,000	67,500	72,000	77,000
65	39		60,000	68,000	72,500	77,500
66	40		60,000	68,500	73,000	78,000
67	41		60,000	69,500	73,500	78,500
68	42		60,000	70,000	74,000	79,000
69	43		60,000	70,500	75,000	80,000
70	44		60,000	71,500	75,500	80,000
71	45		60,000	72,000	76,000	80,000
72	46		60,000	72,500	76,500	80,000
73	47		60,000	73,500	77,500	80,000

74	48	60,000	74,000	78,000	80,000
75	49	60,000	74,500	78,500	80,000
76	50	60,000	75,500	79,000	80,000
77	51	60,000	76,000	80,000	80,000
78	52	60,000	76,500	80,000	80,000
79	53	60,000	77,500	80,000	80,000
80	54	60,000	78,000	80,000	80,000
81	55	60,000	78,500	80,000	80,000
82	56	60,000	79,500	80,000	80,000
83	57	60,000	80,000	80,000	80,000

84 Notwithstanding the above table, two consecutive sets of tandem axles may carry
 85 a gross load of thirty-four thousand pounds each if the overall distance between
 86 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
 87 or more.

88 4. Whenever the state highways and transportation commission finds that
 89 any state highway bridge in the state is in such a condition that use of such
 90 bridge by vehicles of the weights specified in subsection 3 of this section will
 91 endanger the bridge, or the users of the bridge, the commission may establish
 92 maximum weight limits and speed limits for vehicles using such bridge. The
 93 governing body of any city or county may grant authority by act or ordinance to
 94 the state highways and transportation commission to enact the limitations
 95 established in this section on those roadways within the purview of such city or
 96 county. Notice of the weight limits and speed limits established by the
 97 commission shall be given by posting signs at a conspicuous place at each end of
 98 any such bridge.

99 5. Nothing in this section shall be construed as permitting lawful axle
 100 loads, tandem axle loads or gross loads in excess of those permitted under the
 101 provisions of Section 127 of Title 23 of the United States Code.

102 6. Notwithstanding the weight limitations contained in this section, any
 103 vehicle or combination of vehicles operating on highways other than the interstate
 104 highway system may exceed single axle, tandem axle and gross weight limitations
 105 in an amount not to exceed two thousand pounds. However, total gross weight
 106 shall not exceed eighty thousand pounds.

107 7. Notwithstanding any provision of this section to the contrary, the
 108 department of transportation shall issue a single-use special permit, or upon

109 request of the owner of the truck or equipment, shall issue an annual permit, for
110 the transporting of any concrete pump truck or well-drillers' equipment. The
111 department of transportation shall set fees for the issuance of permits pursuant
112 to this subsection. Notwithstanding the provisions of section 301.133, RSMo,
113 concrete pump trucks or well-drillers' equipment may be operated on
114 state-maintained roads and highways at any time on any day.

115 **8. Notwithstanding the provision of this section to the contrary,**
116 **the maximum gross vehicle limit and axle weight limit for any vehicle**
117 **or combination of vehicles equipped with an idle reduction technology**
118 **may be increased by a quantity necessary to compensate for the**
119 **additional weight of the idle reduction system as provided for in 23**
120 **U.S.C. Section 127, as amended. In no case shall the additional weight**
121 **increase allowed by this subsection be greater than four hundred**
122 **pounds. Upon request by an appropriate law enforcement officer, the**
123 **vehicle operator shall provide proof that the idle reduction technology**
124 **is fully functional at all times and that the gross weight increase is not**
125 **used for any purpose other than for the use of idle reduction**
126 **technology.**

304.230. 1. It shall be the duty of the sheriff of each county or city to see
2 that the provisions of sections 304.170 to 304.230 are enforced, and any peace
3 officer or police officer of any county or city or any highway patrol officer shall
4 have the power to arrest on sight or upon a warrant any person found violating
5 or having violated the provisions of such sections. **Beginning August 28, 2006,**
6 **no local law enforcement officer or agency, other than the law**
7 **enforcement officers or agencies having jurisdiction within any home**
8 **rule city with more than four hundred thousand inhabitants and**
9 **located in more than one county and any city not within a county may**
10 **conduct a commercial motor vehicle roadside inspection to enforce the**
11 **provisions of sections 304.170 to 304.230. Notwithstanding the**
12 **provisions of this subsection, any law enforcement officer, regardless**
13 **of the officer's jurisdiction, may stop a vehicle that has a visible**
14 **external safety defect relating to the enforcement of the provisions of**
15 **sections 304.170 to 304.230 that could cause immediate harm to the**
16 **traveling public. In the course of a stop, the law enforcement officer**
17 **must identify to the driver the defect that caused the stop.**

18 2. The sheriff or any peace officer or any highway patrol officer is hereby
19 given the power to stop any such conveyance or vehicle as above described upon

20 the public highway for the purpose of determining whether such vehicle is loaded
21 in excess of the provisions of sections 304.170 to 304.230, and if he or she finds
22 such vehicle loaded in violation of the provisions thereof he or she shall have a
23 right at that time and place to cause the excess load to be removed from such
24 vehicle; and provided further, that any regularly employed maintenance man of
25 the department of transportation shall have the right and authority in any part
26 of this state to stop any such conveyance or vehicle upon the public highway for
27 the purpose of determining whether such vehicle is loaded in excess of the
28 provisions of sections 304.170 to 304.230, and if he or she finds such vehicle
29 loaded in violation of the provisions thereof, he or she shall have the right at that
30 time and place to cause the excess load to be removed from such vehicle. When
31 only an axle or a tandem axle group of a vehicle is overloaded, the operator shall
32 be permitted to shift the load, if this will not overload some other axle or axles,
33 without being charged with a violation; provided, however, the privilege of
34 shifting the weight without being charged with a violation shall not extend to or
35 include vehicles while traveling on the federal interstate system of
36 highways. When only an axle or tandem axle group of the vehicle traveling on
37 the federal interstate system of highways is overloaded and a court authorized to
38 enforce the provisions of sections 304.170 to 304.230 finds that the overloading
39 was due to the inadvertent shifting of the load changing axle weights in transit
40 through no fault of the operator of the vehicle and that the load thereafter had
41 been shifted so that no axle had been overloaded, then the court may find that no
42 violation has been committed. The operator of any vehicle shall be permitted to
43 back up and reweigh, or to turn around and weigh from the opposite
44 direction. Any operator whose vehicle is weighed and found to be within five
45 percent of any legal limit may request and receive a weight ticket, memorandum
46 or statement showing the weight or weights on each axle or any combinations of
47 axles. Once a vehicle is found to be within the limits of section 304.180 after
48 having been weighed on any state scale and there is no evidence that any cargo
49 or fuel has been added, no violation shall occur, but a presumption shall exist
50 that cargo or fuel has been added if upon reweighing on another state scale the
51 total gross weight exceeds the applicable limits of section 304.180 or
52 304.190. The highways and transportation commission of this state may deputize
53 and appoint any number of their regularly employed maintenance men to enforce
54 the provisions of such sections, and the maintenance men delegated and
55 appointed in this section shall report to the proper officers any violations of

56 sections 304.170 to 304.230 for prosecution by such proper officers.

57 3. The superintendent of the Missouri state highway patrol may assign
58 qualified persons who are not highway patrol officers to supervise or operate
59 permanent or portable weigh stations used in the enforcement of commercial
60 vehicle laws. These persons shall be designated as commercial vehicle inspectors
61 and have limited police powers:

62 (1) To issue uniform traffic tickets at a permanent or portable weigh
63 station for violations of rules and regulations of the division of motor carrier and
64 railroad safety of the department of economic development and department of
65 public safety, and laws, rules, and regulations pertaining to commercial motor
66 vehicles and trailers and related to size, weight, fuel tax, registration, equipment,
67 driver requirements, transportation of hazardous materials and operators' or
68 chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

69 (2) To require the operator of any commercial vehicle to stop and submit
70 to a vehicle and driver inspection to determine compliance with commercial
71 vehicle laws, rules, and regulations, the provisions of sections 303.024 and
72 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds
73 exist to cause belief that a vehicle is transporting hazardous materials as defined
74 by Title 49 of the Code of Federal Regulations;

75 (3) To make arrests for violation of subdivisions (1) and (2) of this
76 subsection. Commercial vehicle inspectors shall not have the authority to
77 exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until
78 they have successfully completed training approved by the superintendent of the
79 Missouri state highway patrol; nor shall they have the right as peace officers to
80 bear arms.

81 4. The superintendent of the Missouri state highway patrol may appoint
82 qualified persons, who are not members of the highway patrol, designated as
83 commercial vehicle enforcement officers, with the powers:

84 (1) To issue uniform traffic tickets for violations of laws, rules and
85 regulations pertaining to commercial vehicles, trailers, special mobile equipment
86 and drivers of such vehicles, and the provisions of sections 303.024 and 303.025,
87 RSMo;

88 (2) To require the operator of any commercial vehicle to stop and submit
89 to a vehicle and driver inspection to determine compliance with commercial
90 vehicle laws, rules, and regulations, compliance with the provisions of sections
91 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable

92 grounds exist to cause belief that a vehicle is transporting hazardous materials
93 as defined by Title 49 of the Code of Federal Regulations;

94 (3) To make arrests upon warrants and for violations of subdivisions (1)
95 and (2) of this subsection. Commercial vehicle enforcement officers shall not have
96 the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this
97 subsection until they have successfully completed training approved by the
98 superintendent of the Missouri state highway patrol. Commercial vehicle
99 enforcement officers shall have the right as peace officers to bear arms.

100 5. Any additional employees needed for the implementation of this section
101 shall be hired in conformity with the provisions of the federal fair employment
102 and antidiscrimination acts.

103 6. Any part of this section which shall be construed to be in conflict with
104 the axle or tandem axle load limits permitted by the Federal-Aid Highway Act,
105 Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th
106 Congress) shall be null, void and of no effect.

**304.232. 1. The Missouri state highway patrol shall establish
2 procedures for the certification of municipal police officers, sheriffs,
3 deputy sheriffs, and other law enforcement officials that enforce
4 sections 304.170 to 304.230.**

**5 2. The certification procedures established by the Missouri state
6 highway patrol shall include, but not be limited to:**

7 (1) Initial and maintenance of certification, to include:

8 (a) Training;

**9 (b) Recurring training, to be conducted minimally on an annual
10 basis;**

11 (c) Testing; and

**12 (d) On-the-job experience under the supervision of a certified
13 law enforcement official or field training officer;**

**14 (2) Delineation of roles and responsibilities within the specific
15 agency, as well as the coordination with the Missouri state highway
16 patrol;**

**17 (3) Data collection and maintenance and upload to state
18 information systems;**

**19 (4) Computer hardware, software, and communications systems
20 shall be compatible with those of the Missouri state highway patrol;**

21 (5) Prescribed use of forms and other official documents related

22 to the certification;

23 (6) Fine and sanction structure that is similar to that of the
24 Missouri state highway patrol; and

25 (7) Disposition of moneys generated by fines.

26 3. The certification procedures shall meet the requirements of
27 the memorandum of understanding between the state of Missouri and
28 the Commercial Vehicle Safety Alliance or any successor organization.

29 4. The commercial motor vehicle safety enforcement and
30 inspection activities of all law enforcement officials of a political
31 subdivision of the state of Missouri shall conform to the memorandum
32 of understanding between the state of Missouri and the Commercial
33 Vehicle Safety Alliance, as appropriate.

34 5. Commercial motor vehicle safety data collection, management
35 and distribution by law enforcement officials of a political subdivision
36 as described in subsection 11 of this section shall support the
37 information systems of the Missouri state highway patrol.

38 6. The Missouri state highway patrol shall establish reasonable
39 fees sufficient to recover from a political subdivision as described in
40 subsection 11 of this section the cost of training, recurring training,
41 data collection and management, certifying, and additional
42 administrative functions for law enforcement officials certified under
43 this section. The Missouri state highway patrol may apply for any
44 applicable reimbursement or incentive funds that may be available
45 under the motor carrier safety assistance program to fund the
46 certification training program outlined in this section.

47 7. The agencies for which law enforcement officials certified
48 under this section work for shall, to the extent practicable, adhere to
49 the same Motor Carrier Safety Assistance Program requirements under
50 49 Code of Federal Regulations Part 350 of the Federal Motor Carrier
51 Safety Regulations.

52 8. The agencies for which law enforcement officials certified
53 under this section work for shall be subject to periodic program
54 reviews and, at the discretion of the Missouri state highway patrol, be
55 required to submit a commercial vehicle safety plan that is consistent
56 with and incorporated into the statewide enforcement plan.

57 9. Beginning July 1, 2007, no law enforcement officer having
58 jurisdiction within an area described in subsection 11 of this section

59 may make an arrest, issue a citation, or conduct a commercial motor
60 vehicle roadside inspection to determine compliance with the
61 provisions of sections 304.170 to 304.230 unless the law enforcement
62 officer has satisfactorily completed, as a part of his or her training, the
63 basic course of instruction developed by the Commercial Vehicle Safety
64 Alliance and has been certified by the Missouri state highway patrol
65 under this section. Law enforcement officers authorized to enforce the
66 provisions of sections 304.170 to 304.230 shall annually receive in-
67 service training related to commercial motor vehicle operations,
68 including but not limited to training in current federal motor carrier
69 safety regulations, safety inspection procedures, and out-of-service
70 criteria. The annual training requirements shall be designated and
71 specified by the superintendent of the highway patrol.

72 10. The superintendent of the state highway patrol shall
73 promulgate rules and regulations necessary to administer the
74 certification procedures and any other provisions of this section. Any
75 rule or portion of a rule, as that term is defined in section 536.010,
76 RSMo, that is created under the authority delegated in this section
77 shall become effective only if it complies with and is subject to all of
78 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
79 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
80 of the powers vested with the general assembly pursuant to chapter
81 536, RSMo, to review, to delay the effective date, or to disapprove and
82 annul a rule are subsequently held unconstitutional, then the grant of
83 rulemaking authority and any rule proposed or adopted after August
84 28, 2006, shall be invalid and void.

85 11. Beginning August 28, 2006, no local law enforcement officer
86 or agency, other than the law enforcement officers or agencies having
87 jurisdiction within any home rule city with more than four hundred
88 thousand inhabitants and located in more than one county and any city
89 not within a county may conduct a commercial motor vehicle roadside
90 inspection to enforce the provisions of sections 304.170 to
91 304.230. Notwithstanding the provisions of this subsection, any law
92 enforcement officer, regardless of the officer's jurisdiction, may stop a
93 vehicle that has a visible external safety defect relating to the
94 enforcement of the provisions of sections 304.170 to 304.230 that could
95 cause immediate harm to the traveling public. In the course of a stop,

96 **the law enforcement officer must identify to the driver the defect that**
97 **caused the stop.**

304.281. 1. Whenever traffic is controlled by traffic control signals
2 exhibiting different colored lights, or colored lighted arrows, successively one at
3 a time or in combination, only the colors green, red and yellow shall be used,
4 except for special pedestrian signals carrying a word legend, and said lights shall
5 indicate and apply to drivers of vehicles and pedestrians as follows:

6 (1) Green indication

7 (a) Vehicular traffic facing a circular green signal may proceed straight
8 through or turn right or left unless a sign at such place prohibits either such
9 turn. But vehicular traffic, including vehicles turning right or left, shall yield the
10 right-of-way to other vehicles and to pedestrians lawfully within the intersection
11 or an adjacent crosswalk at the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in
13 combination with another indication, may cautiously enter the intersection only
14 to make the movement indicated by such arrow, or such other movement as is
15 permitted by other indications shown at the same time. Such vehicular traffic
16 shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
17 and to other traffic lawfully using the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided
19 in section 304.291, pedestrians facing any green signal, except when the sole
20 green signal is a turn arrow, may proceed across the roadway within any marked
21 or unmarked crosswalk.

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that
24 the related green movement is being terminated or that a red indication will be
25 exhibited immediately thereafter when vehicular traffic shall not enter the
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed
28 by a pedestrian control signal as provided in section 304.291, are thereby advised
29 that there is insufficient time to cross the roadway before a red indication is
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

32 (a) Vehicular traffic facing a steady red signal alone shall stop before
33 entering the crosswalk on the near side of the intersection at a clearly marked
34 stop line but, if none, then before entering the intersection and shall remain

35 standing until an indication to proceed is shown except as provided in paragraph
36 (b);

37 (b) The driver of a vehicle which is stopped as close as practicable at the
38 entrance to the crosswalk on the near side of the intersection or, if none, then at
39 the entrance to the intersection in obedience to a red signal, may cautiously enter
40 the intersection to make a right turn but shall yield the right-of-way to
41 pedestrians and other traffic proceeding as directed by the signal at the
42 intersection, except that the state highways and transportation commission with
43 reference to an intersection involving a state highway, and local authorities with
44 reference to an intersection involving other highways under their jurisdiction,
45 may prohibit any such right turn against a red signal at any intersection where
46 safety conditions so require, said prohibition shall be effective when a sign is
47 erected at such intersection giving notice thereof;

48 (c) Unless otherwise directed by a pedestrian control signal as provided
49 in section 304.291, pedestrians facing a steady red signal alone shall not enter
50 the roadway.

51 (4) In the event an official traffic control signal is erected and maintained
52 at a place other than an intersection, the provision of this section shall be
53 applicable except as to those provisions which by their nature can have no
54 application. Any stop required shall be made at a sign or marking on the
55 pavement indicating where the stop shall be made, but in the absence of any such
56 sign or marking the stop shall be made at the signal.

57 2. Notwithstanding the provisions of section 304.361, violation of this
58 section is a class C misdemeanor.

59 **3. A person operating a motorcycle who violates this section or**
60 **section 304.301 by entering or crossing an intersection controlled by a**
61 **traffic-control signal against a red light shall have an affirmative**
62 **defense to that charge if the person establishes all of the following**
63 **conditions:**

64 (1) **The motorcycle has been brought to a complete stop;**

65 (2) **The traffic-control signal continues to show a red light for an**
66 **unreasonable time;**

67 (3) **The traffic-control is apparently malfunctioning or, if**
68 **programmed or engineered to change to a green light only after**
69 **detecting the approach of a motor vehicle, the signal has apparently**
70 **failed to detect the arrival of the motorcycle; and**

71 **(4) No motor vehicle or person is approaching on the street or**
72 **highway to be crossed or entered or is so far away from the**
73 **intersection that it does not constitute an immediate hazard. The**
74 **affirmative defense in this subsection applies only to a violation for**
75 **entering or crossing an intersection controlled by a traffic-control**
76 **signal against a red light and does not provide a defense to any other**
77 **civil or criminal action.**

307.010. 1. All motor vehicles, and every trailer and semitrailer operating
2 upon the public highways of this state and carrying goods or material or farm
3 products which may reasonably be expected to become dislodged and fall from the
4 vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or
5 by the movement of the vehicle, trailer or semitrailer shall have a protective cover
6 or be sufficiently secured so that no portion of such goods or material can become
7 dislodged and fall from the vehicle, trailer or semitrailer while being transported
8 or carried.

9 2. Operation of a motor vehicle, trailer or semitrailer in violation of this
10 section shall be [a class C misdemeanor] **an infraction**, and any person
11 [convicted] **who pleads or is found guilty** thereof shall be punished as
12 provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers,
2 without rear fenders, attached to a commercial motor vehicle registered for over
3 twenty-four thousand pounds shall be equipped with mud flaps for the rear
4 wheels when operated on the public highways of this state. If mud flaps are
5 used, they shall be wide enough to cover the full tread width of the tire or tires
6 being protected; shall be so installed that they extend from the underside of the
7 vehicle body in a vertical plane behind the rear wheels to within eight inches of
8 the ground; and shall be constructed of a rigid material or a flexible material
9 which is of a sufficiently rigid character to provide adequate protection when the
10 vehicle is in motion. No provisions of this section shall apply to a motor vehicle
11 in transit and in process of delivery equipped with temporary mud flaps, to farm
12 implements, or to any vehicle which is not required to be registered.

13 2. Any person who violates this section is guilty of [a class B
14 misdemeanor] **an infraction** and, upon [conviction] **plea or finding of guilt**,
15 shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one
2 spotlamp but every lighted spotlamp shall be so aimed and used so as not to be

3 dazzling or glaring to any person.

4 2. Notwithstanding the provisions of section 307.120, violation of this
5 section is [a class C misdemeanor] **an infraction**.

 307.120. Any person violating any of the provisions of sections 307.020 to
2 307.120 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an**
3 **infraction**. The term "person" as used in sections 307.020 to 307.120 shall mean
4 and include any individual, association, joint stock company, copartnership or
5 corporation.

 307.125. 1. Any person who shall place or drive or cause to be placed or
2 driven upon or along any state or supplementary state highway of this state any
3 animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset
4 to one-half hour before sunrise have attached to every such vehicle at the rear
5 thereof a red taillight or a red reflecting device of not less than three inches in
6 diameter of effective area or its equivalent in area. When such device shall
7 consist of reflecting buttons there shall be no less than seven of such buttons
8 covering an area equal to a circle with a three-inch diameter. The total
9 subtended effective angle of reflection of every such device shall be no less than
10 sixty degrees and the spread and efficiency of the reflected light shall be
11 sufficient for the reflected light to be visible to the driver of any motor vehicle
12 approaching such animal-drawn vehicle from the rear of a distance of not less
13 than five hundred feet.

14 2. In addition, any person who operates any such animal-driven vehicle
15 during the hours between sunset and one-half hour before sunrise shall have at
16 least one light flashing at all times the vehicle is on any highway of this
17 state. Such light or lights shall be amber in the front and red in the back and
18 shall be placed on the left side of the vehicle at a height of no more than six feet
19 from the ground and shall be visible from the front and the back of the vehicle at
20 a distance of at least five hundred feet. Any person violating the provisions of
21 this section shall be guilty of [a class C misdemeanor] **an infraction**.

22 3. Any person operating an animal-driven vehicle during the hours
23 between sunset and one-half hour before sunrise may, in lieu of the requirements
24 of subsection 2 of this section, use lamps or lanterns complying with the rules
25 promulgated by the director of the department of public safety.

26 4. Any rule or portion of a rule, as that term is defined in section 536.010,
27 RSMo, that is created under the authority delegated in this section shall become
28 effective only if it complies with and is subject to all of the provisions of chapter

29 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
 30 536, RSMo, are nonseverable and if any of the powers vested with the general
 31 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date,
 32 or to disapprove and annul a rule are subsequently held unconstitutional, then
 33 the grant of rulemaking authority and any rule proposed or adopted after August
 34 28, 2004, shall be invalid and void.

307.155. Any person violating any of the provisions of sections 307.130 to
 2 307.160 shall be deemed guilty of [a class C misdemeanor] **an infraction** and
 3 shall be punished by a fine of not to exceed fifty dollars for each offense.

307.172. 1. No person shall operate any passenger motor vehicle upon the
 2 public streets or highways of this state, the body of which has been altered in
 3 such a manner that the front or rear of the vehicle is raised at such an angle as
 4 to obstruct the vision of the operator of the street or highway in front or to the
 5 rear of the vehicle.

2. Every motor vehicle which is licensed in this state and operated upon
 7 the public streets or highways of this state shall be equipped with front and rear
 8 bumpers if such vehicle was equipped with bumpers as standard equipment. This
 9 subsection shall not apply to motor vehicles designed or modified primarily for
 10 off-highway purposes while such vehicles are in tow or to motorcycles or
 11 motor-driven cycles, or to motor vehicles registered as historic motor vehicles
 12 when the original design of such vehicles did not include bumpers nor shall the
 13 provisions of this subsection prohibit the use of drop bumpers. The
 14 superintendent of the Missouri state highway patrol shall adopt rules and
 15 regulations relating to bumper standards. Maximum bumper heights of both the
 16 front and rear bumpers of motor vehicles shall be determined by weight category
 17 of gross vehicle weight rating (GVWR) measured from a level surface to the
 18 highest point of the bottom of the bumper when the vehicle is unloaded and the
 19 tires are inflated to the manufacturer's recommended pressure. Maximum
 20 bumper heights are as follows:

21	Maximum front	Maximum rear
22	bumper height	bumper height
23 Motor vehicles except		
24 commercial motor		
25 vehicles	22 inches	22 inches
26 Commercial motor		
27 vehicles (GVWR)		

28	4,500 lbs and under	24 inches	26 inches
29	4,501 lbs through		
30	7,500 lbs	27 inches	29 inches
31	7,501 lbs through		
32	9,000 lbs	28 inches	30 inches
33	9001 lbs through		
34	11,500 lbs	29 inches	31 inches

35 3. A motor vehicle in violation of this section shall not be approved during
 36 any motor vehicle safety inspection required pursuant to sections 307.350 to
 37 307.390.

38 4. Any person knowingly violating the provisions of this section is guilty
 39 of [a class C misdemeanor] **an infraction**.

307.173. 1. Any person may operate a motor vehicle with front sidewing
 2 vents or windows located immediately to the left and right of the driver that have
 3 a sun screening device, in conjunction with safety glazing material, that has a
 4 light transmission of thirty-five percent or more plus or minus three percent and
 5 a luminous reflectance of thirty-five percent or less plus or minus three
 6 percent. Except as provided in subsection 5 of this section, any sun screening
 7 device applied to front sidewing vents or windows located immediately to the left
 8 and right of the driver in excess of the requirements of this section shall be
 9 prohibited without a permit pursuant to a physician's prescription as described
 10 below. A permit to operate a motor vehicle with front sidewing vents or windows
 11 located immediately to the left and right of the driver that have a sun screening
 12 device, in conjunction with safety glazing material, which permits less light
 13 transmission and luminous reflectance than allowed under the requirements of
 14 this subsection, may be issued by the department of public safety to a person
 15 having a serious medical condition which requires the use of a sun screening
 16 device if the permittee's physician prescribes its use. The director of the
 17 department of public safety shall promulgate rules and regulations for the
 18 issuance of the permit. The permit shall allow operation of the vehicle by any
 19 titleholder or relative within the second degree by consanguinity or affinity,
 20 which shall mean a spouse, each grandparent, parent, brother, sister, niece,
 21 nephew, aunt, uncle, child, and grandchild of a person, who resides in the
 22 household. Except as provided in subsection 2 of this section, all sun screening
 23 devices applied to the windshield of a motor vehicle are prohibited.

24 2. This section shall not prohibit labels, stickers, decalomania, or

25 informational signs on motor vehicles or the application of tinted or solar
26 screening material to recreational vehicles as defined in section 700.010, RSMo,
27 provided that such material does not interfere with the driver's normal view of
28 the road. This section shall not prohibit factory-installed tinted glass, the
29 equivalent replacement thereof or tinting material applied to the upper portion
30 of the motor vehicle's windshield which is normally tinted by the manufacturer
31 of motor vehicle safety glass.

32 3. Any rule or portion of a rule, as that term is defined in section 536.010,
33 RSMo, that is created under the authority delegated in this section shall become
34 effective only if it complies with and is subject to all of the provisions of chapter
35 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
36 536, RSMo, are nonseverable and if any of the powers vested with the general
37 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
38 or to disapprove and annul a rule are subsequently held unconstitutional, then
39 the grant of rulemaking authority and any rule proposed or adopted after August
40 28, 2001, shall be invalid and void.

41 4. Any person who violates the provisions of this section is guilty of [a
42 class C misdemeanor] **an infraction**.

43 5. Any vehicle licensed with a historical license plate shall be exempt from
44 the requirements of this section.

307.195. 1. No person shall operate a motorized bicycle on any highway
2 or street in this state unless the person has a valid license to operate a motor
3 vehicle.

4 2. No motorized bicycle may be operated on any public thoroughfare
5 located within this state which has been designated as part of the federal
6 interstate highway system.

7 3. Violation of this section shall be deemed [a class C misdemeanor] **an**
8 **infraction**.

307.198. 1. Every all-terrain vehicle, except those used in competitive
2 events, shall have the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any
4 time in which an all-terrain vehicle is being used on any street or highway in this
5 state pursuant to section 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such
7 vehicle at least two feet above the roadway when such vehicle is operated upon
8 any street or highway pursuant to section 300.348, RSMo, or 304.013, RSMo. The

9 emblem shall be constructed of substantial material with a fluorescent
10 yellow-orange finish and a reflective, red border at least one inch in width. Each
11 side of the emblem shall measure at least ten inches;

12 (3) A breaking system maintained in good operating condition;

13 (4) An adequate muffler system in good working condition, and a United
14 States Forest Service qualified spark arrester.

15 2. A violation of this section shall be [a class C misdemeanor] **an**
16 **infraction.**

307.365. 1. No permit for an official inspection station shall be assigned
2 or transferred or used at any location other than therein designated and every
3 permit shall be posted in a conspicuous place at the location designated. The
4 superintendent of the Missouri state highway patrol shall design and furnish
5 each official inspection station, at no cost, one official sign made of metal or other
6 durable material to be displayed in a conspicuous location to designate the station
7 as an official inspection station. Additional signs may be obtained by an official
8 inspection station for a fee equal to the cost to the state. Each inspection station
9 shall also be supplied with one or more posters which must be displayed in a
10 conspicuous location at the place of inspection and which informs the public that
11 required repairs or corrections need not be made at the inspection station.

12 2. No person operating an official inspection station pursuant to the
13 provisions of sections 307.350 to 307.390 may issue a certificate of inspection and
14 approval for any vehicle except upon an official form furnished by the
15 superintendent of the Missouri state highway patrol for that purpose and only
16 after inspecting the vehicle and determining that its brakes, lighting equipment,
17 signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
18 wheels, exhaust system, glazing, air pollution control devices, fuel system and any
19 other safety equipment as required by the state are in proper condition and
20 adjustment to be operated upon the public highways of this state with safety to
21 the driver or operator, other occupants therein, as well as other persons and
22 property upon the highways, as provided by sections 307.350 to 307.390 and the
23 regulations prescribed by the superintendent of the Missouri state highway
24 patrol. Brakes may be inspected for safety by means of visual inspection or
25 computerized brake testing. No person operating an official inspection station
26 shall furnish, loan, give or sell a certificate of inspection and approval to any
27 other person except those entitled to receive it under provisions of sections
28 307.350 to 307.390. No person shall have in such person's possession any

29 certificate of inspection and approval and/or inspection sticker with knowledge
30 that the certificate and/or inspection sticker has been illegally purchased, stolen
31 or counterfeited.

32 3. The superintendent of the Missouri state highway patrol may require
33 officially designated stations to furnish reports upon forms furnished by the
34 superintendent for that purpose as the superintendent considers reasonably
35 necessary for the proper and efficient administration of sections 307.350 to
36 307.390.

37 4. If, upon inspection, defects or unsafe conditions are found, the owner
38 may correct them or shall have them corrected at any place the owner chooses
39 within twenty days after the defect or unsafe condition is found, and shall have
40 the right to remove the vehicle to such place for correction, but before the vehicle
41 is operated thereafter upon the public highways of this state, a certificate of
42 inspection and approval must be obtained. The inspecting personnel of the
43 official inspection station must inform the owner that the corrections need not be
44 made at the inspection station.

45 5. A fee, not to exceed twelve dollars, as determined by each official
46 inspection station, may be charged by an official inspection station for each
47 official inspection including the issuance of the certificate of inspection and
48 approval, sticker, seal or other device and a total fee, not to exceed ten dollars,
49 as determined by each official inspection station, may be charged for an official
50 inspection of a trailer or motorcycle, which shall include the issuance of the
51 certificate of inspection and approval, sticker, seal or other device. Such fee shall
52 be conspicuously posted on the premises of each such official inspection station.
53 No owner shall be charged an additional inspection fee upon having corrected
54 defects or unsafe conditions found in an inspection completed within the previous
55 twenty consecutive days, excluding Saturdays, Sundays and holidays, if such
56 follow-up inspection is made by the station making the initial inspection. Every
57 inspection for which a fee is charged shall be a complete inspection, and upon
58 completion of the inspection, if any defects are found the owner of the vehicle
59 shall be furnished a list of the defects and a receipt for the fee paid for the
60 inspection. If the owner of a vehicle decides to have any necessary repairs or
61 corrections made at the official inspection station, the owner shall be furnished
62 a written estimate of the cost of such repairs before such repairs or corrections
63 are made by the official inspection station. The written estimate shall have
64 plainly written upon it that the owner understands that the corrections need not

65 be made by the official inspection station and shall have a signature line for the
66 owner. The owner must sign below the statement on the signature line before
67 any repairs are made.

68 6. Certificates of inspection and approval, sticker, seal or other device
69 shall be purchased by the official inspection stations from the superintendent of
70 the Missouri state highway patrol. The superintendent of the Missouri state
71 highway patrol shall collect a fee of one dollar and fifty cents for each certificate
72 of inspection, sticker, seal or other device issued to the official inspection stations,
73 except that no charge shall be made for certificates of inspection, sticker, seal or
74 other device issued to official inspection stations operated by governmental
75 entities. All fees collected shall be deposited in the state treasury with one dollar
76 of each fee collected credited to the state highway fund and, for the purpose of
77 administering and enforcing the state motor vehicle laws and traffic regulations,
78 fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby
79 created. The moneys collected and deposited in the highway patrol inspection
80 fund shall be expended subject to appropriations by the general assembly for the
81 administration and enforcement of sections 307.350 to 307.390 by the Missouri
82 state highway patrol. The unexpended balance in the fund at the end of each
83 biennium exceeding the amount of the appropriations from the fund for the first
84 two fiscal years shall be transferred to the state road fund, and the provisions of
85 section 33.080, RSMo, relating to the transfer of funds to the general revenue
86 fund at the end of the biennium, shall not apply to the fund.

87 7. The owner or operator of any inspection station who discontinues
88 operation during the period that a station permit is valid or whose station permit
89 is suspended or revoked shall return all official signs and posters and any current
90 unused inspection stickers, seals or other devices to the superintendent of the
91 Missouri state highway patrol and shall receive a full refund on request except
92 for official signs and posters, provided the request is made during the calendar
93 year or within sixty days thereafter in the manner prescribed by the
94 superintendent of the Missouri state highway patrol. Stations which have a valid
95 permit shall exchange unused previous year issue inspection stickers and/or
96 decals for an identical number of current year issue, provided the unused stickers
97 and/or decals are submitted for exchange not later than April thirtieth of the
98 current calendar year, in the manner prescribed by the superintendent of the
99 Missouri state highway patrol.

100 8. Notwithstanding the provisions of section 307.390 to the

101 **contrary, a violation of this section shall be a class C misdemeanor.**

307.375. 1. The owner of every bus used to transport children to or from
2 school in addition to any other inspection required by law shall submit the vehicle
3 to an official inspection station, and obtain a certificate of inspection, sticker, seal
4 or other device annually, but the inspection of the vehicle shall not be made more
5 than sixty days prior to operating the vehicle during the school year. The
6 inspection shall, in addition to the inspection of the mechanism and equipment
7 required for all motor vehicles under the provisions of sections 307.350 to
8 307.390, include an inspection to ascertain that the following items are correctly
9 fitted, adjusted, and in good working condition:

- 10 (1) All mirrors, including crossview, inside, and outside;
- 11 (2) The front and rear warning flashers;
- 12 (3) The stop signal arm;
- 13 (4) The crossing control arm on public school buses required to have them
14 pursuant to section 304.050, RSMo;
- 15 (5) The rear bumper to determine that it is flush with the bus so that
16 hitching of rides cannot occur;
- 17 (6) The exhaust tailpipe shall be flush with or may extend not more than
18 two inches beyond the perimeter of the body or bumper;
- 19 (7) The emergency doors and exits to determine them to be unlocked and
20 easily opened as required;
- 21 (8) The lettering and signing on the front, side and rear of the bus;
- 22 (9) The service door;
- 23 (10) The step treads;
- 24 (11) The aisle mats or aisle runners;
- 25 (12) The emergency equipment which shall include as a minimum a first
26 aid kit, flares or fuses, and a fire extinguisher;
- 27 (13) The seats, including a determination that they are securely fastened
28 to the floor;
- 29 (14) The emergency door buzzer;
- 30 (15) All hand hold grips;
- 31 (16) The interior glazing of the bus.

32 2. In addition to the inspection required by subsection 1 of this section,
33 the Missouri state highway patrol shall conduct an inspection after February first
34 of each school year of all vehicles required to be marked as school buses under
35 section 304.050, RSMo. This inspection shall be conducted by the Missouri

36 highway patrol in cooperation with the department of elementary and secondary
37 education and shall include, as a minimum, items in subsection 1 of this section
38 and the following:

- 39 (1) The driver seat belts;
- 40 (2) The heating and defrosting systems;
- 41 (3) The reflectors;
- 42 (4) The bus steps;
- 43 (5) The aisles;
- 44 (6) The frame.

45 3. If, upon inspection, conditions which violate the standards in subsection
46 2 of this section are found, the owner or operator shall have them corrected in ten
47 days and notify the superintendent of the Missouri state highway patrol or those
48 persons authorized by the superintendent. If the defects or unsafe conditions
49 found constitute an immediate danger, the bus shall not be used until corrections
50 are made and the superintendent of the Missouri state highway patrol or those
51 persons authorized by the superintendent are notified.

52 4. The Missouri highway patrol may inspect any school bus at any time
53 and if such inspection reveals a deficiency affecting the safe operation of the bus,
54 the provisions of subsection 3 of this section shall be applicable.

55 **5. Notwithstanding the provisions of section 307.390 to the**
56 **contrary, a violation of this section shall be a class C misdemeanor.**

307.390. 1. Any person who violates any provision of sections 307.350 to
2 307.390 is guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea**
3 **or finding of guilt** shall be punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign
5 qualified persons who are not highway patrol officers to investigate and enforce
6 motor vehicle safety inspection laws and regulations pursuant to sections 307.350
7 to 307.390 and sections 643.300 to 643.355, RSMo. A person assigned by the
8 superintendent pursuant to the authority granted by this subsection shall be
9 designated a motor vehicle inspector and shall have limited powers to issue a
10 uniform complaint and summons for a violation of the motor vehicle inspection
11 laws and regulations. A motor vehicle inspector shall not have authority to
12 exercise the power granted in this subsection until such inspector successfully
13 completes training provided by, and to the satisfaction of, the superintendent.

307.400. 1. It is unlawful for any person to operate any commercial motor
2 vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either

3 singly or in combination with a trailer, as both vehicles are defined in Title 49,
4 Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and
5 operated as required by Parts 390 through 397, Title 49, Code of Federal
6 Regulations, as such regulations have been and may periodically be amended,
7 whether intrastate transportation or interstate transportation. Members of the
8 Missouri state highway patrol are authorized to enter the cargo area of a
9 commercial motor vehicle or trailer to inspect the contents when reasonable
10 grounds exist to cause belief that the vehicle is transporting hazardous materials
11 as defined by Title 49 of the Code of Federal Regulations. The director of the
12 department of public safety is hereby authorized to further regulate the safety of
13 commercial motor vehicles and trailers as he deems necessary to govern and
14 control their operation on the public highways of this state by promulgating and
15 publishing rules and regulations consistent with this chapter. Any such rules
16 shall, in addition to any other provisions deemed necessary by the director,
17 require:

18 (1) Every commercial motor vehicle and trailer and all parts thereof to be
19 maintained in a safe condition at all times;

20 (2) Accidents arising from or in connection with the operation of
21 commercial motor vehicles and trailers to be reported to the department of public
22 safety in such detail and in such manner as the director may require.

23 Except for the provisions of subdivisions (1) and (2) of this subsection, the
24 provisions of this section shall not apply to any commercial motor vehicle
25 operated in intrastate commerce and licensed for a gross weight of sixty thousand
26 pounds or less when used exclusively for the transportation of solid waste or
27 forty-two thousand pounds or less when the license plate has been designated for
28 farm use by the letter "F" as authorized by the Revised Statutes of Missouri,
29 unless such vehicle is transporting hazardous materials as defined in Title 49,
30 Code of Federal Regulations.

31 2. Notwithstanding the provisions of subsection 1 of this section to the
32 contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to
33 the physical requirements of drivers shall not be applicable to drivers in
34 intrastate commerce, provided such drivers were licensed by this state as
35 chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who
36 are otherwise qualified and licensed to operate a commercial motor vehicle in this
37 state may operate such vehicle intrastate at the age of eighteen years or older,
38 except that any person transporting hazardous material must be at least

39 twenty-one years of age.

40 3. Commercial motor vehicles and drivers of such vehicles may be placed
41 out of service if the vehicles are not equipped and operated according to the
42 requirements of this section. Criteria used for placing vehicles and drivers out
43 of service are the North American Uniform Out-of-Service Criteria adopted by the
44 Commercial Vehicle Safety Alliance and the United States Department of
45 Transportation, as such criteria have been and may periodically be amended.

46 4. Notwithstanding the provisions of subsection 1 of this section to the
47 contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours
48 of drivers, shall not apply to any vehicle owned or operated by any public utility,
49 rural electric cooperative or other public service organization, or to the driver of
50 such vehicle, while providing restoration of essential utility services during
51 emergencies and operating intrastate. For the purposes of this subsection, the
52 term "essential utility services" means electric, gas, water, telephone and sewer
53 services.

54 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours
55 of drivers, shall not apply to drivers transporting agricultural commodities or
56 farm supplies for agricultural purposes in this state if such transportation:

57 (1) Is limited to an area within a one hundred air mile radius from the
58 source of the commodities or the distribution point for the farm supplies; and

59 (2) Is conducted during the planting and harvesting season within this
60 state, as defined by the department of public safety by regulation.

61 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations,
62 relating to recording of a driver's duty status, shall not apply to drivers engaged
63 in agricultural operations referred to in subsection 5 of this section, if the motor
64 carrier who employs the driver maintains and retains for a period of six months
65 accurate and true records showing:

66 (1) The total number of hours the driver is on duty each day; and

67 (2) The time at which the driver reports for, and is released from, duty
68 each day.

69 7. Notwithstanding the provisions of subsection 1 of this section to the
70 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not
71 apply to commercial motor vehicles operated in intrastate commerce to transport
72 property, which have a gross vehicle weight rating or gross combination weight
73 rating of twenty-six thousand pounds or less. The exception provided by this
74 subsection shall not apply to vehicles transporting hazardous materials or to

75 vehicles designed to transport sixteen or more passengers including the driver as
76 defined by Title 49 of the Code of Federal Regulations. Nothing in this subsection
77 shall be construed to prohibit persons designated by the department of public
78 safety from inspecting vehicles defined in this subsection.

79 8. Violation of any provision of this section or any rule promulgated as
80 authorized therein is [a class B misdemeanor] **an infraction**.

81 9. No rule or portion of a rule promulgated under the authority of this
82 chapter shall become effective unless it has been promulgated pursuant to the
83 provisions of section 536.024, RSMo.

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has
3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall
7 be expunged if the person who has plead guilty to or has been found
8 guilty of violating section 311.325 is licensed as a commercial motor
9 vehicle driver or was operating a commercial motor vehicle as defined
10 in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied
16 prior to such arrest, plea or conviction, as if such event had never happened. No
17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one
22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.

430.082. 1. Every person expending labor, services, skill or material upon
2 any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined

3 in chapter 306, RSMo, outboard motor or aircraft at a written request of its
4 owner, authorized agent of the owner, or person in lawful possession thereof, or
5 who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the
6 written request of its owner, authorized agent of the owner, or person in lawful
7 possession thereof, or at the written request of a peace officer in lieu of the owner
8 or owner's agent, where such owner or agent is not available to request storage
9 thereof, shall, where the maximum amount to be charged for labor, services, skill
10 or material has been stated as part of the written request or the daily charge for
11 storage has been stated as part of the written request, have a lien upon the
12 chattel beginning upon the date of commencement of the expenditure of labor,
13 services, skill, materials or storage for the actual value of all the expenditure of
14 labor, services, skill, materials or storage until the possession of that chattel is
15 voluntarily relinquished to the owner, authorized agent, or one entitled to
16 possession thereof. The person furnishing labor, services, skill or material may
17 retain the lien after surrendering possession of the aircraft or part or equipment
18 thereof by filing a statement in the office of the county recorder of the county
19 where the owner of the aircraft or part or equipment thereof resides, if known to
20 the claimant, and in the office of the county recorder of the county where the
21 claimant performed the services. Such statement shall be filed within thirty days
22 after surrendering possession of the aircraft or part or equipment thereof and
23 shall state the claimant's name and address, the items on account, the name of
24 the owner and a description of the property, and shall not bind a bona fide
25 purchaser unless the lien has also been filed with the Federal Aviation
26 Administration Aircraft Registry.

27 2. If the chattel is not redeemed within three months of the completion
28 of the requested labor, services, skill or material, the lienholder may apply to the
29 director of revenue for a certificate of ownership or certificate of title.

30 3. If the charges are for storage or the service of towing the motor vehicle,
31 trailer, outboard motor or vessel, and the chattel has not been redeemed three
32 months after the charges for storage commenced, the lienholder shall notify by
33 certified mail, postage prepaid, the owner and any lienholders of record other
34 than the person making the notification, at the person's last known address that
35 application for a lien title will be made unless the owner or lienholder within
36 forty-five days makes satisfactory arrangements with the person holding the
37 chattel for payment of storage or service towing charges, if any, or makes
38 satisfactory arrangements with the lienholder for paying such charges or for

39 continued storage of the chattel if desired. Forty-five days after the notification
40 has been mailed and the chattel is unredeemed **or the notice has been**
41 **returned marked "not forwardable" or "addressee unknown"** and no
42 satisfactory arrangement has been made with the lienholder for payment or
43 continued storage, the lienholder may apply to the director of revenue for a
44 certificate of ownership or certificate of title as provided in this section.

45 4. The application shall be accompanied by:

46 (1) The original or a conformed or photostatic copy of the written request
47 of the owner or the owner's agent or of a peace officer with the maximum amount
48 to be charged stated therein;

49 (2) An affidavit [of the] **from the lienholder that written notice was**
50 **provided to all owners and lienholders of the applicants intent to apply**
51 **for a certificate of ownership and** that the owner has defaulted on payment
52 of labor, services, skill or material and that payment is three months past due,
53 or that owner has defaulted on payment or has failed to make satisfactory
54 arrangements for continued storage of the chattel for forty-five days since
55 notification of intent to make application for a certificate of ownership or
56 certificate of title. **The affidavit shall be accompanied by a copy of the**
57 **forty-five day notice given by certified mail to any owner and person**
58 **holding a valid security interest and a copy of the certified mail receipt**
59 **indicating that the owner and lienholder of record was sent a notice as**
60 **required in this section;**

61 (3) A statement of the actual value of the expenditure of labor, services,
62 skill or material, or the amount of storage due on the date of application for a
63 certificate of ownership or certificate of title, and the amount which is unpaid;
64 and

65 (4) A fee of ten dollars.

66 5. If the director is satisfied with the genuineness of the application and
67 supporting documents, [the director shall notify by certified mail, postage
68 prepaid, the owner and any lienholders of record, other than the applicant, at
69 their last known address that application has been made for a lien title on the
70 chattel.

71 6. Thirty days after notification of the owner and lienholders,] **and** if no
72 lienholder or the owner has redeemed the chattel or no satisfactory arrangement
73 has been made concerning payment or continuation of storage [and the
74 application has not been withdrawn], and if no owner or lienholder has informed

75 the director that the owner or lienholder demands a hearing [and enforcement of
76 the lien] as provided in **this** section [430.160], the director shall issue, in the
77 same manner as a repossessed title is issued, a certificate of ownership or
78 certificate of title to the applicant which shall clearly be captioned "Lien Title".

79 **7. The owner or lienholder of any motor vehicle or trailer, as**
80 **defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo,**
81 **outboard motor, or aircraft may file a petition in the circuit court in**
82 **the county where the motor vehicle, trailer, vessel, outboard motor, or**
83 **aircraft is stored to determine if the motor vehicle, trailer, vessel,**
84 **outboard motor, or aircraft was wrongfully taken or withheld from the**
85 **owner. The petition shall name the person expending labor, services,**
86 **skill, or material among the defendants. The director of revenue shall**
87 **not be a party to such petition, but a copy of the petition shall be**
88 **served on the director of revenue, who shall not issue title to such**
89 **motor vehicle, trailer, vessel, outboard motor, or aircraft under this**
90 **section until the petition is finally decided.**

91 [7.] **8.** Upon receipt of a lien title, the holder shall within ten days begin
92 proceedings to sell the chattel as prescribed in section 430.100.

93 [8.] **9.** The provisions of section 430.110 shall apply to the disposition of
94 proceeds, and the lienholder shall also be entitled to any actual and necessary
95 expenses incurred in obtaining the lien title, including, but not limited to, court
96 costs and reasonable attorney's fees.

488.006. For any infraction, unless otherwise provided by law, all
2 **court costs, fees, surcharges, and other miscellaneous charges shall be**
3 **assessed in the same manner and amount as a misdemeanor.**

556.021. 1. An offense defined by this code or by any other statute of this
2 state constitutes an "infraction" if it is so designated or if [no other sentence than
3 a fine, or fine and forfeiture or other civil penalty is authorized upon conviction]
4 **a violation of the statute can result only in a fine, forfeiture, or other**
5 **civil penalty, or any combination thereof.**

6 2. [An infraction does not constitute a crime and conviction of an
7 infraction shall not give rise to any disability or legal disadvantage based on
8 conviction of a crime.] **A determination of whether an infraction has**
9 **occurred shall be made by the filing of a civil action. The action shall**
10 **be filed by a person who is authorized to bring a criminal action or an**
11 **action to enforce an ordinance if the conduct constituted a crime or**

12 ordinance violation. The action shall be brought in the name of the
13 state of Missouri or appropriate political subdivision. An infraction
14 violation shall be proven by a preponderance of the evidence but shall
15 not be tried to a jury. If an infraction violation is proven, judgment
16 shall be entered for the plaintiff.

17 3. Notwithstanding any other provision of law to the contrary,
18 it shall be the duty of the operator or driver of any vehicle or the rider
19 of any animal traveling on the roads of this state to stop on signal of
20 any law enforcement officer and to obey any other reasonable signal or
21 direction of such law enforcement officer given in the course of
22 enforcing any infraction. Any person who willfully fails or refuses to
23 obey any signal or direction of a law enforcement officer given in the
24 course of enforcing any infraction, or who willfully resists or opposes
25 a law enforcement officer in the proper discharge of his or her duties
26 in the course of enforcing any infraction, shall be guilty of a class A
27 misdemeanor and on plea or finding of guilt thereof shall be punished
28 as provided by law for such offenses.

29 4. The supreme court of Missouri may promulgate rules for the
30 enforcement of this section.

Section B. The repeal and reenactment of sections 301.055, 301.057, and
2 301.058 shall become effective July 1, 2007.

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